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No. 17] NEW DELHI, APRIL 17—APRIL 23, 2005 SATURDAY/CHAITRA 27—VAISAKHA 3, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1491.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा आन्ध्र प्रदेश सरकार के गृह (एस.सी. ए.) विभाग के दिनांक 15-7-2004 के जी.ओ. एम. एस. संख्या 165 के माध्यम से प्राप्त सहमति से, श्री गादे लिंगप्पा, पूर्व विधायक की मृत्यु के संबंध में सैफाबाद पुलिस चौकी, हैदराबाद में दर्ज अपराध सं 1172/03 के अन्वेषण के लिए, भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 302 के तहत दंडनीय अपराधों और उपर्युक्त अपराध के संबंध में अथवा उससे संशक्त प्रयत्नों, दुष्टेरणों और षडयंत्रों तथा उसी संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत, किसी अन्य अपराध का अन्वेषण करने के लिए एतद्द्वारा

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दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण आंध्र प्रदेश राज्य पर करती है।

[ सं. 228/4/2004-ए.बी.डी.-II ]

शुभा ठाकुर, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 11th April, 2005

S.O. 1491.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Andhra Pradesh vide Home (SC. A) Department G.O. Ms. No. 165 dated 15-7-2004, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the

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State of Andhra Pradesh for investigation of death of Shri Gade Lingappa, Ex-MLA, for offence punishable under Section 302 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempts, abetments and conspiracies in relation to or in connection with the said offence and any other offences committed in the course of the same transaction or arising out of the same facts of Crime No. 1172/03 of Saifabad Police Station, Hyderabad.

[No. 228/4/2004-AVD. II]

SHUBHA THAKUR, Under Secy.

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1492.—केन्द्रीय सरकार, एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिल्ली के अधिवक्ताओं और दिल्ली उच्च न्यायालय में केन्द्रीय अन्वेषण ब्यूरो के रिटैनर काउंसिल सर्वश्री हरीश गुलाटी और आर.एम. तिवारी को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षण अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/21/2005-ए.वो.डी.-II]

शुभा ठाकुर, अवर सचिव

New Delhi, the 11th April, 2005

S.O. 1492.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints S/Shri Harish Gulati and R.M. Tewari, Advocates, Delhi and Retainer Counsel of the Central Bureau of Investigation in the Delhi High Court, as Special Public Prosecutor, for conducting the prosecutions, appeals, revision or other matters arising out of the cases investigated by the Delhi Special Police Establishment.

[No. 225/21/2005-AVD. II]

SHUBHA THAKUR, Under Secy.

वित्त मंत्रालय

( राजस्व विभाग )

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 7 मार्च, 2005

( आयकर )

का.आ. 1493.—सामान्य जानकारी के लिए एतद्द्वारा अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा राजीव गांधी फाउंडेशन, जवाहर भवन, डा. राजेन्द्र प्रसाद रोड, नई दिल्ली, संगठन को आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ

“संस्था” श्रेणी के अन्तर्गत दिनांक 1-4-2003 से 31-3-2006 तक की अवधि के लिए निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है—

(i). अधिसूचित संगठन अपने अनुसंधान के लिए खातों का एक अलग सेट रखेगा।

(ii) अधिसूचित संगठन नामोद्घिष्ट कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अनुसंधान कार्यकलापों, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत छूट प्रदान की गई है, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट), वैशाली, गाजियाबाद, (उत्तर प्रदेश) तथा (ख) आयकर आयुक्त/आयकर निदेशक (छूट) को आय की विवरणी दाखिल करने की नियत-तिथि को अथवा उससे पूर्व प्रस्तुत करेगी।

(iii) संगठन उपर्युक्त मद संख्या (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से यह प्रमाणित करते हुए एक प्रमाणपत्र भी संलग्न करेगा कि उक्त राशि वैज्ञानिक अनुसंधान के लिए व्यय की गई है।

टिप्पणी : (i) उपर्युक्त (i) शर्त “संघ” के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

[ अधिसूचना सं. 71/2005/फा. सं. 203/2/2005-आ.क.नि.-II ]

निधि सिंह, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 7th March, 2005

(INCOME TAX)

S.O. 1493.—It is hereby notified for general information that the organization Rajiv Gandhi Foundation, Jawahar Bhawan, Dr. Rajendra Prasad Road, New Delhi has been approved by the Central Government for the period from 1-4-2003 to 31-3-2006, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category Institution subject to the following conditions :—

(i) the approved organization shall maintain separate set of accounts for its research.

(ii) The approved organization shall submit a copy of audited Income & Expenditure account in respect of its research activities for which it has been approved under Sub-section (1) of Section 35 of I.T. Act, 1961 to (a) Director General of Income Tax (Exemptions), Vaishali, Ghaziabad (UP) and (b) the Commissioner of Income Tax/ Director of Income Tax (E) having jurisdiction over the

organization on or before the due date of filing of return of income, in addition to the return of income, to the designated assessing officer.

(iii) The organization shall also enclose with the Income & Expenditure account referred to in point No. (ii) above, a certificate from the auditor certifying that the amounts incurred are for scientific research.

**Notes :** (i) Condition (i) above will not apply to the organization categorized as "Association".

[Notification No. 71/2005/F.No. 203/2/2005-ITA II]

NIDHI SINGH, Under Secy.

नई दिल्ली, 17 मार्च, 2005

( आयकर )

**का.आ. 1494.**—सामान्य जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा राजीव गांधी फाउंडेशन, जवाहर भवन, डा. राजेन्द्र प्रसाद रोड, नई दिल्ली, संगठन को आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ "संस्था" श्रेणी के अन्तर्गत दिनांक 1-4-2003 से 31-3-2006 तक की अवधि के लिए निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है—

- (i) अधिसूचित संगठन अपने अनुसंधान के लिए खातों का एक अलग सेट रखेगा।
- (ii) अधिसूचित संगठन नामोदिष्ट कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अनुसंधान कार्यकलापों, जिसके लिए, इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई है, के संबंध में आय एवं व्यय खाते की लेखा परीक्षा की एक प्रति संगठन पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) वैशाली, गाजियाबाद (उत्तर प्रदेश) तथा (ख) आयकर आयुक्त/आयकर निदेशक (छूट) को आय की विवरणी दाखिल करने की नियत-तिथि को अथवा उससे पूर्व प्रस्तुत करेगी।
- (iii) संगठन उपर्युक्त मद संख्या (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से यह प्रमाणित करते हुए एक प्रमाणपत्र भी संलग्न करेगा कि उक्त राशि सामाजिक विज्ञान एवं सांख्यिकीय अनुसंधान में वैज्ञानिक अनुसंधान के लिए व्यय की गई है।

**टिप्पणी :** (i) उपर्युक्त (i) शर्त "संव" के रूप में श्रेणीबद्ध संगठन पर लागू नहीं होगी।

[अधिसूचना सं. 80/2005/फा. सं. 203/2/2005-आ.क.नि.-II]

निधि सिंह, अवर सचिव

New Delhi, the 17th March, 2005

(INCOME TAX)

**S.O. 1494.**—It is hereby notified for general information that the organization Rajiv Gandhi Foundation, Jawahar Bhawan, Dr. Rajendra Prasad Road, New Delhi has been approved by the Central Government for the period from 1-4-2003 to 31-3-2006, for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 under the category Institution subject to the following conditions :—

- (i) the approved organization shall maintain separate set of accounts for its research.
- (ii) The approved organization shall submit a copy of audited Income & Expenditure account in respect of its research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to (a) Director General of Income Tax (Exemptions), Vaishali, Ghaziabad (UP) and (b) the Commissioner of Income Tax/ Director of Income Tax (E) having jurisdiction over the organization on or before the due date of filing of return of income, in addition to the return of income to the designated assessing officer.
- (iii) The organization shall also enclose with the Income & Expenditure account referred to in point No. (ii) above, a certificate from the auditor certifying that the amounts incurred are for research in social science/statistical research.

**Note :** Condition (i) above will not apply to the organization categorized as "Association".

[Notification No. 80/2005/F.No. 203/2/2005-ITA. II]

NIDHI SINGH, Under Secy.

नई दिल्ली, 31 मार्च, 2005

( आयकर )

**का.आ. 1495.**—सर्वसाधारण की जानकारी के लिए सूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2002 से 31-3-2005 तक के लिए संगठन मैसर्स आर्य वैद्य शाला, पो. ओ. कोट्टाक्कल, जिला-मालापुरम, केरल-676503 को निम्नलिखित शर्तों के अधीन श्रेणी, विश्वविद्यालय, कालेज अथवा अन्य संस्था, जो आंशिक रूप से अनुसंधान क्रियाकलापों (तथा न की एक वैज्ञानिक अनुसंधान संघ जो मात्र अनुसंधान के लिए मौजूद है) में लगा हुआ है, के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए खातों का अलग रख-रखाव करेगा।

(ii) वित्त वर्षों के प्रत्येक वित्त वर्ष के लिए जिसके लिए अनुमोदन दिया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है, के संबंध में अपनी लेखा परीक्षित आय तथा व्यय खाते की एक प्रति अधिकार क्षेत्र वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय की विवरणी दाखिल करने की देय तिथि को अथवा उससे पहले अथवा इस अधिसूचना की तिथि से 90 दिनों के भीतर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा।

(iii) यह संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाणपत्र भी संलग्न करेगा :—

(क) वैज्ञानिक अनुसंधान, जिसके संबंध में दानकर्ता धारा 35 (1)(ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं, के लिए संगठन द्वारा प्राप्त धन राशि विनिर्दिष्ट करते हुए।

(ख) यह प्रमाणित करते हुए कि खर्च किया गया व्यय वैज्ञानिक अनुसंधान के लिए था।

[अधिसूचना सं. 125/2005/फा. सं. 203/25/2004-आ.क.नि. II]

निधि सिंह, अवर सचिव

New Delhi, the 31st March, 2005

#### (INCOME TAX)

**S.O. 1495.**—It is hereby notified for general information that the organization *M/s. The Arya Vaidya Sala, P.O. Kottakkal, Dt. Malappuram, Kerala-676503* has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2002 to 31-3-2005 under the category 'university, college or other institution', partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) the approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.

(iii) The organization shall also enclose with the Income & Expenditure account referred to in (ii) above, a certificate from the auditor :—

(a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under Section 35(1) (ii).

(b) certifying that the expenditure incurred was for scientific research.

[Notification No. 125/2005/F.No. 203/25/2004-ITA. II]

NIDHI SINGH. Under Secy.

नई दिल्ली, 8 अप्रैल, 2005

#### ( आयकर )

**का.आ. 1496.**—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्रीय सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ 'विश्वविद्यालय, कॉलेज अथवा अन्य संस्था' की श्रेणी के अन्तर्गत दिनांक 1-4-2002 से 31-3-2005 तक की अवधि के लिए चेन्नई मेथिमेटिकल संस्था, 92, जी.एन. चेट्टी रोड, टी. नगर, चेन्नई-600017, जो अंशतः अनुसंधान कार्य-कलापों में कार्यरत है, (और न की अनुसंधान के लिए एक मात्र मौजूद "वैज्ञानिक अनुसंधान संघ" के रूप में है) को निम्नलिखित शर्तों के अधीन अनुमोदित किया गया है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए यह अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) यह संगठन उपर्युक्त पैरा (ii) में संदर्भित आय एवं व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाणपत्र भी संलग्न करेगा :—
- (क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 (1)(ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।



(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए था।

[अधिसूचना सं. 129/2005/फा. सं. 203/86/2003-आ.क.नि. II]

निधि सिंह, अवर सचिव

New Delhi, the 8th April, 2005

**(INCOME TAX)**

**S.O. 1496.**—It is hereby notified for general information that the organization Chennai Mathematical Institute, 92, G.N. Chetty Road, T. Nagar, Chennai-600017 has been approved by the Central Government for the purposes of clause (ii) of sub-section (1) of section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 for the period from 1-4-2002 to 31-3-2005 under the category 'University, College or other Institution' partly engaged in research activities (and not as a 'scientific research association' existing solely for research) subject to the following conditions :—

- (i) the approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The organization shall also enclose with the Income & Expenditure account referred to in (ii) above, a certificate from the auditor :—
  - (a) specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under Section 35(1) (ii).
  - (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 129/2005/F.No. 203/86/2003-ITA. II]

NIDHI SINGH, Under Secy.

कार्यालय मुख्य आयुक्त सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क

चण्डीगढ़, 21 मार्च, 2005

संख्या 01/2005-सी.शु. ( एन. टी. ) चं. क्षे.

का.आ. 1497.— भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा सीमा शुल्क अधिनियम, 1962 (1962 का 52) की

धारा 152 के खण्ड (ए) के अन्तर्गत जारी अधिसूचना संख्या 33/94-सी.शु.(एन.टी.) दिनांक 1-7-1994 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए में एस. एस. बेदी, मुख्य आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क चण्डीगढ़ एतद्वारा जिला फतेहगढ़ साहिब (पंजाब) की तहसील अमलोह के क्षेत्राधिकार में आने वाले क्षेत्र को सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अन्तर्गत भाण्डागार स्टेशन घोषित करता हूँ।

[फा. सं. 4-जोन-14-सी.शु.05/748-968]

एस. एस. बेदी, मुख्य आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER OF  
CUSTOMS & CENTRAL EXCISE**

Chandigarh, the 21st March, 2005

**No. 01/2005-CUS(NT) CZ**

**S.O. 1497.**—In exercise of the powers conferred by Notification No. 33/94-CUS(NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi issued under clause (a) of Section 152 of the Customs Act, 1962 (52 of 1962), I. S. S. Bedi, Chief Commissioner of Customs & Central Excise, Chandigarh hereby declare the area falling within the jurisdiction of Tehsil Amloh, Distt. Fatehgarh Sahib (Punjab), as Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962).

[C. No.4-Zone-14-Cus.05/748-968]

S. S. BEDI, Chief Commissioner

**संस्कृति मंत्रालय**

( संस्कृति विभाग )

नई दिल्ली, 29 मार्च, 2005

का.आ. 1498.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम-4 के अनुसरण में संस्कृति मंत्रालय, के अधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती हैं :—

1. उत्तरमध्य क्षेत्र सांस्कृतिक केन्द्र, 14 सी एस पी सिंह रोड, इलाहाबाद -211001
2. पश्चिम क्षेत्र सांस्कृतिक केन्द्र, बागौर की हवेली, गनगौर घाट, उदयपुर-313001 (राजस्थान)
3. वरिष्ठ संरक्षण सहायक का कार्यालय, भारतीय पुरातत्व सर्वेक्षण जैसलमेर, उपमण्डल, आसनी रोड जैसलमेर, -345001 (राजस्थान)
4. अपधीक्षण पुरालेखविद का कार्यालय, उत्तरांचल, दिलकुशा गार्डन, लखनऊ, 226002 (उत्तर प्रदेश)

5. अधीक्षण पुरातत्वविद का कार्यालय भारतीय पुरातत्व सर्वेक्षण, उत्खनन शाखा-5, पुरातत्व-भवन, मंडवी, बड़ोदरा 390006 (गुजरात)
6. अधीक्षण पुरातत्वविद का कार्यालय भारतीय पुरातत्व सर्वेक्षण, सायन फोर्ट, सायन (ईस्ट) मुंबई-400022

[सं. 1-1/2005-हिन्दी]

मोहिनी सिंगोरानी, निदेशक (रा. भा.)

**MINISTRY OF CULTURE****(Department of Culture)**

New Delhi, the 29th March, 2005

**S.O. 1498.**—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use of Official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Culture, more than 80% staff of which have acquired a working knowledge of Hindi.

1. North Central Zone Cultural Centre, Allabad 211001
2. West Zone Cultural Centre Udaipur-313001 (Rajasthan)
3. Office of the Senior Conservation Assistant Archaeological Survey of India Jaisalmer- Sub-circle Asani Road Jaisalmer-345001 (Rajasthan)
4. Office of the Superintending Epigraphist Uttaranchal, Dilkusha Garaden Lucknow-226002 (Uttar Pradesh)
5. Office of the Superintending Archaeologist Archaeological Survey of India Excavation Branch Fifth floor Mandavi- Vadodra 390006 (Gujrat)
6. Office of the Superintending Archaeologist Antiquity Archaeological Survey of India Sion Fort Sion (East) Mumbai-400002

[No. 1-1/2005-Hindi]

MOHINI HINGORANI, Director (O. L.)

**रेल मंत्रालय**

(रेलवे बोर्ड)

नई दिल्ली, 11 अप्रैल, 2005

**का.आ. 1499.**—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभागियों की वेदखली), अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई सारणी के स्तंभ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी

नियुक्त करती है और आगे उक्त सारणी के स्तंभ (2) की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी-अपनी उनकी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का अनुपालन करेगा,

**सारणी**

अधिकारियों के पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
(i) पूर्व मध्य रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।
(ii) पूर्व तट रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।
(iii) उत्तर मध्य रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।
(iv) उत्तर पश्चिम रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।
(v) दक्षिण पूर्व मध्य रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।
(vi) दक्षिण पश्चिम रेलवे के सभी अपर मंडल रेल प्रबंधक, सभी वरिष्ठ मंडल इंजीनियर, सभी उप मुख्य इंजीनियर, सभी मंडल इंजीनियर, सभी मुख्य इंजीनियर (निर्माण),	अपनी-अपनी क्षेत्रीय रेलवे द्वारा स्वयं या अर्जित या भाड़े के सरकारी स्थान, जो उनके अपने-अपने प्रशासनिक नियंत्रण के भीतर/अधीन हैं।

1	2
(vii) पश्चिम मध्य रेलवे के सभी अपनी-अपनी क्षेत्रीय रेलवे द्वारा अपर मंडल रेल प्रबंधक, स्वयं या अर्जित या भाड़े के सभी वरिष्ठ मंडल इंजीनियर, सरकारी स्थान, जो उनके अपने-सभी उप मुख्य इंजीनियर, अपने प्रशासनिक नियंत्रण के सभी मंडल इंजीनियर, सभी के भीतर/अधीन है। मुख्य इंजीनियर (निर्माण)	

[ फा. सं. 2004/एल.एम.एल./14/9 ]

एम. के. अग्रवाल, सचिव

**MINISTRY OF RAILWAYS****(Railway Board)**

New Delhi, the 11th April, 2005

**S.O. 1499.**—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being Gazetted Officers of the Government, to be estate officers for the purpose of the said Act, and further directs that the said officers shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of their jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

**TABLE**

Designation of the Officers	Categories of public premises and local limits of jurisdiction
1	2
(i) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of East Central Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within/under their respective administrative control.
(ii) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of East Coast Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within/under their respective administrative control.

1	2
(iii) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of North Central Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within or under their respective administrative control.
(iv) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of North Western Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within or under their respective administrative control.
(v) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of Southeast Central Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within or under their respective administrative control.
(vi) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of South Western Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within or under their respective administrative control.
(vii) All Additional Divisional Railway Managers, all Senior Divisional Engineers, all Deputy Chief Engineers, all Divisional Engineers, all Chief Engineers (Construction) of West Central Railway.	Public premises owned or acquired or hired by the respective Zonal Railway which are within or under their respective administrative control.

[F. No. 2004/LML/14/9]

M. K. AGARWAL, Secy.

## कोयला मंत्रालय

## आदेश

नई दिल्ली, 15 अप्रैल, 2005

का.आ. 1500.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के कोयला और खान मंत्रालय (कोयला विभाग) की अधिसूचना संख्यांक का.आ. 2576, तारीख, 6 अक्टूबर, 2004 के भारत के राजपत्र, भाग-II, खंड-3, उप-खंड (ii) तारीख 16 अक्टूबर, 2004 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) में या उस पर के अधिकार, उक्त अधिनियम की धारा 10 उप-धारा (1) के अधीन, सभी विल्लगनों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए हैं;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर, (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का, जिन्हें केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए तैयार है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है, कि इस प्रकार निहित भूमि और उक्त भूमि में या उस पर के अधिकार, केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाए, तारीख 16 अक्टूबर, 2004 से निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात् :—

- (1) सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और अधिकरण की सहायता के लिए नियुक्त किए गए व्यक्तियों के संबंध में उपगत सभी व्यय उक्त सरकारी कम्पनी वहन करेगी और वैसी ही इस प्रकार, निहित उक्त भूमि में या उस पर निहित होने वाले अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की बाबत उपगत, सभी व्यय भी सरकारी कम्पनी वहन करेगी।
- (3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो उक्त भूमि में या उस पर इस प्रकार निहित होने वाले पूर्वोक्त अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी।
- (4) सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त और उस पर के अधिकारों को अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- (5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित किए जाएं, पालन करेगी।

[फा. सं. 43015/11/2002—पी.आर.आई.डब्ल्यू.]

बी. के. पण्डा, निदेशक

## MINISTRY OF COAL

## ORDER

New Delhi, the 15th April, 2005

S.O. 1500.—Whereas the publication of the notification of the Government of India, in the Ministry of Coal and Mines (Department of Coal), number S.O. 2576, dated the 6th October, 2004, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 16th October, 2004, issued under Sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands as described in the schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under Sub-section (1) of Section 10 of the said Act:

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur, (hereinafter referred to as the Government Company), is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 11 of the said Act, the Central Government hereby directs that said lands and rights in or over the said lands so vested shall, with effect from the

16th October, 2004 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) The Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) A tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeal, etc., for or in connection with the rights, in or over the said lands, so vested shall also be borne by the Government Company;
- (3) The Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the aforesaid rights in or over the said lands so vesting;
- (4) The Government Company shall have no power to transfer and rights in or over the said lands so vested to any other person without the previous approval of the Central Government; and
- (5) The Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land, as and when necessary.

[F. No. 43015/11/2002-PRIW]

B. K. PANDA, Director

### उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( उपभोक्ता मामले विभाग )

### भारतीय मानक ब्यूरो

नई दिल्ली, 6 अप्रैल, 2005

का. आ. 1501.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :

### अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3034 : 1993	1 फरवरी, 2005	28 फरवरी, 2005
2.	आई एस 4989 ( भाग 2 ) : 1984	6 मार्च, 2005	31 मार्च, 2005
3.	आई एस 4989 ( भाग 4 ) : 1984	1 मार्च, 2005	31 मार्च, 2005
4.	आई एस 6234 : 2001	1 मार्च, 2005	31 मार्च, 2005
5.	आई एस 10204 : 2001	1 मार्च, 2005	31 मार्च, 2005
6.	आई एस 15397 : 2003	1 मार्च, 2005	31 मार्च, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सी. ई. डी./राजपत्र]

सतीश कुमार जैन, निदेशक व प्रमुख (सिविल इंजीनियरी)

**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)****BUREAU OF INDIAN STANDARDS**

New Delhi, the 6th April, 2005

**S.O. 1501.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

**SCHEDULE**

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3034 : 1993	1 February, 2005	28 February, 2005.
2.	IS 4989 (Part 2) : 1984	6 March, 2005	31 March, 2005
3.	IS 4989 (Part 4) : 2003	1 March, 2005	31 March, 2005
4.	IS 6234 : 2003	1 March, 2005	31 March, 2005
5.	IS 10204 : 2001	3 March, 2005	31 March, 2005
6.	IS 15397 : 2003	1 March, 2005	31 March, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

S. K. JAIN, Director &amp; Head (Civil Engg.)

नई दिल्ली, 11 अप्रैल, 2005

**का.आ. 1502.**— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3913 : 2005 निलंबित अवसाव भार सैम्पलर—विशिष्ट (पहला पुनरीक्षण)	आई एस 3913 : 1966	जनवरी 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर.डी./जी-117]

अनिलेश डेविड, वैज्ञा. ई, निदेशक (जल संसाधन विभाग)

New Delhi, the 11th April, 2005

**S.O. 1502.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, If any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 3913 : 2005 "Suspended sediment load samplers-Specification (First revision)"	IS 3913 : 1966	January 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. WRD/G-117]

ANILESH DAVID, Scientist E, Director (Water Resources Deptt.)

नई दिल्ली, 11 अप्रैल, 2005

**का. आ. 1503.**—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिये गये हैं :

**अनुसूची**

क्रम संख्या	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आई एस 6543 : 1972 कृत्रिम कौंच गर्भाधान पिपेट के लिये विशिष्ट	का.आ. नम्बर 423, दिनांक 15 फरवरी, 1975	चूँकि अब ये पिपेट प्रचलन में नहीं है।

[संदर्भ : एफ. डी./जी.-128]

श्रीमती मधुलिका प्रकाश, निदेशक एवं प्रमुख (खाद्य व कृषि)

New Delhi, the 11th April, 2005

**S.O. 1503.**—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is hereby notified that the Indian Standards, Particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stands withdrawn.

**SCHEDULE**

Sl. No.	No. and year of the Indian Standards Cancelled	S.O. No. and Date published in the Gazette of India, Part-II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 6543 : 1972, Specification for Glass Artificial Insemination Pipettes for Cattle	S.O. No. 423, dated 15 February 1975	As Glass AI Pipettes have become obsolete

[Ref. FD/G-128]

Ms. MADHULIKA PRAKASH, Director and Head (Food and Agri.)



नई दिल्ली, 11 अप्रैल, 2005

का. आ. 1504.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 8883 ( भाग 1 ) : 2005 रसायन और रसायनिक उत्पादों के नमूने लेने की पद्धति भाग 1 सामान्य अपेक्षाएँ और सावधानियाँ ( पहला पुनरीक्षण )	—	31-3-2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ सीएचडी 1/आई एस 8883 ( भाग 1 )]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1504.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 8883 : (Part 1) : 2005 Methods of Sampling Chemical and Chemical Product Part 1 General Requirements and Precautions (First Revision )	—	31 March, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 1/IS 8883 (Part 1)]

Dr. U. C. SRIVASTAVA, Scientist-E, Director and Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का. आ. 1505.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

**अनुसूची**

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 14001 : 2004 पर्यावरणीय प्रबंधन पद्धतियाँ-उपयोग के लिए मार्गदर्शन सहित अपेक्षाएँ (पहला पुनरीक्षण)	—	1-5- 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ संदर्भ सीएचडी 34/आई एस/आई एस ओ 14001 ]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1505.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

**SCHEDULE**

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/ISO 14001 : 2004 Environmental Management Systems- Requirements with Guidance for Use (First Revision)	—	01-05-2005

Copies of this Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 34/IS/ISO 14001]

Dr. U.C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का. आ. 1506.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 14004 : 2004 पर्यावरणीय प्रबंधन पद्धतियाँ—सद्घातों, पद्धतियों और सहायी तकनीकों पर सामान्य मार्गदर्शी सिद्धान्त (पहला पुनरीक्षण)	—	31-3- 2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ सीएचडी 34/आई एस/आई एस ओ 14004]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1506.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

## SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/ISO 14004 : 2004 Environmental Management Systems— General Guidelines on Principles, Systems and Support Techniques (First Revision)	—	31-03-2005

Copies of this Standard are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 34/IS/ISO 14004]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का. आ. 1507.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

## अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों).की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15548 : 2005 हाइड्रोफ्लूरोकार्बन (एचएफसी-134ए)—रीति संहिता	—	28-02-2005

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ संदर्भ सीएचडी 19/आई एस 15548 ]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1507.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

## SCHEDULE

Sl. No.	No. & title of the Indian Standards Established	No. & year of Indian Standards, If any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15548 : 2005 Hydrofluorocarbon (HFC-134a)—Code of Safety	—	28-02-2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 19/IS 15548]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का. आ. 1508.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3840 : 1996 अस्तर का चमड़ा-विशिष्ट (दूसरा पुनरीक्षण)	संशोधन संख्या 1, फरवरी 2005	28 फरवरी, 2005

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ सीएचडी 17/आई एस 3840]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1508.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3840 : 1996 Lining Leather Specification (Second Revision)	Amendment No. 1, February 2005	28 February 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 17/IS 3840]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1509.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5086 : 1993 स्टेन्सिल कागज़-विशिष्ट (दूसरा पुनरीक्षण)	संशोधन संख्या नं. 1, नवम्बर 2004	1 जनवरी, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ संदर्भ सीएचडी 14/आई एस 5086 ]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1509.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
I.	IS 5086 : 1993 Stencil Paper Specification (Second Revision)	Amendment No. 1, November 2004	1 January, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. CHD 14/IS/5086]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1510.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 14490 : 1997 सादा कोपियर कागज-विशिष्ट	संशोधन की संख्या नं. 3, फरवरी 2005	15 अप्रैल, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ सीएचडी 15/आई एस 14490]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 11th April, 2005

S.O. 1510.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. and title of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
I.	IS 14490 : 1997 Plain copier paper-Specification	Amendment No. 3, February 2005	15 April, 2005

Copy to these standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CHD 15/IS-14490]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)



नई दिल्ली, 11 अप्रैल, 2005

का.आ. 1511.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :

## अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15298 ( भाग 4 )/आई एस ओ 8782-4 : 1998 व्यावसायिक उपयोग के लिए सुरक्षित, संरक्षी और नौकरी-पेशा फुटवियर भाग 4 व्यावसायिक फुटवियर की विशिष्ट	संशोधन संख्या नं. 1, फरवरी 2005	28 फरवरी, 2005

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बरूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[ संदर्भ सीएचडी 19/आई एस 15298 ( भाग 4 ) ]

डॉ. यू. सी. श्रीवास्तव, वैज्ञानिक-ई, निदेशक एवं प्रमुख ( रसायन )

New Delhi, the 11th April, 2005

S.O. 1511.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

## SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 15298 (Part 4) : 2002/ISO 8782-4 : 1998 Safety, protective and occupational Footwear for professional use Part 4 specification for occupational Footwear	Amendment No. 1, February 2005	28 February, 2005

Copy to this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

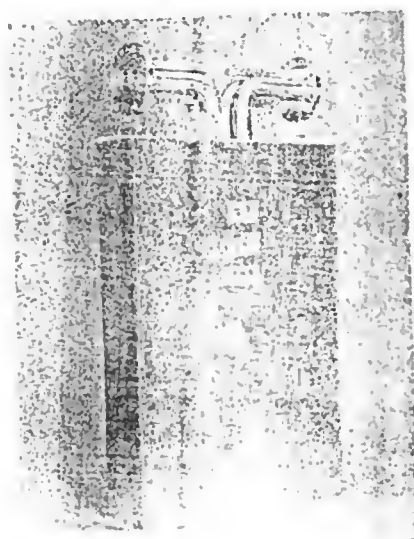
[Ref: CHD 19/IS 15298 (Part 4)]

Dr. U. C. SRIVASTAVA, Scientist E, Director &amp; Head (Chemical)

नई दिल्ली, 30 मार्च, 2005

का.आ. 1512.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेसर्स रिहोनिक मैसगरेट गमभ ओइलेनोहासन और बिक्री मैसर्स रॉक्विन फ्लो मीटर इंडिया लिमिटेड वी-24/साइट 4, माहिबाबाद औद्योगिक क्षेत्र, गाजियाबाद द्वारा विनिर्मित द्रव्य के लिए मीटर (पानी से भिन्न) के मॉडल का, जिसके ब्रांड का नाम "रिहोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/542 समनुदेशित किया गया है अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



मॉडल (ऊपर दी गई आकृति देखें) एक द्रव्य मीटर (पानी से भिन्न) है जो करोलिस बल सिद्धान्त पर द्रव्यमान मापन के लिए है।

तकनीकी ब्यौरा नीचे दिया गया है—

पैमाना	यदि माप नली समानान्तर में हो		यदि माप नली शृंखला में हो	
	आर एच एम 100	आर एच एम 160	आर एच एम 160	आर एच एम 100
अधिकतम प्रवाह दर (पेज 67/c)	1750 टी/एच	600 टी/एच	875 टी/एच	300 टी/एच
न्यूनतम प्रवाह दर	87.5 टी/एच	30 टी/एच	43.75 टी/एच	15 टी/एच
न्यूनतम मापित मात्रा	2 टन	1 टन	1 टन	0.5 टन
मापित नली की व्यास मात्रा	160 एम एम	100 एम एम	160 एम एम	100 एम एम
तेल और पानी के घनत्व की मात्रा (पेज 68 c)	600 कि.ग्रा./मी. <sup>3</sup> से 1200 कि.ग्रा./मी. <sup>3</sup>	600 कि.ग्रा./मी. <sup>3</sup> से 1200 कि.ग्रा./मी. <sup>3</sup>	600 कि.ग्रा./मी. <sup>3</sup> से 1200 कि.ग्रा./मी. <sup>3</sup>	600 कि.ग्रा./मी. <sup>3</sup> से 1200 कि.ग्रा./मी. <sup>3</sup>

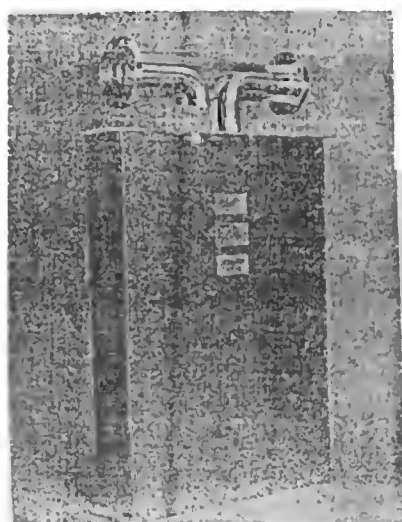
[फा.मं. अ.नं. एम.-21(275)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप नियमन

New Delhi, the 30th, March, 2005

**S.O. 1512.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Nederlands Meetinstituut, Netherlands is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (7) and sub-section (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the Meters for liquids (other than Water) (hereinafter referred to as the said model) with brand name "RHENONIK" Mass flow meters of type 'RHM 160 and RHM 100 with flow transmitter RHE series manufactured by M/s Rhconik Messgerate GmbH, Odelzhausen and sold in India by M/s Rockwin Flow Meter India Limited, B-24/Site IV Sahibabad Industrial Area, Ghaziabad-201010, and which is assigned the approval mark IND/13/2003/542;



The model (see the figure given above) is a meter for liquids (Other than water) using coriolis force principle for measurement of mass.

The technical details of the models are given below :

Parameter	If measuring tube connected in parallel		If measuring tubes connected in series	
	RHM 160	RHM 100	RHM 160	RHM 100
Maximum flow rate (page 67/c)	1775 t/h	600 t/h	875 t/h	300 t/h
Minimum flow rate	87.5 t/h	30 t/h	43.75 t/h	15 t/h
Minimum measured quantity	2 t	1 t	1 t	0.5 t
Nominal diameter of measured tubes	160mm	100mm	160mm	100mm
Measured density of oil and water (page 66/c)	600kg/m <sup>3</sup> to 1200 kg/m <sup>3</sup>	600kg/m <sup>3</sup> to 1200 kg/m <sup>3</sup>	600kg/m <sup>3</sup> to 1200 kg/m <sup>3</sup>	600kg/m <sup>3</sup> to 1200 kg/m <sup>3</sup>

[F. No. WM-21(275)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 31 मार्च, 2005

**का.आ. 1513.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वीनस वेईंग सिस्टम्स, डी नं. 76-8-5/3मी, पीआरके एंड पीपीआर बिल्डिंग, स्वाति थियेटर रोड, भवानीपुरम, विजयवाड़ा-520012, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग- III) वाले "वी डब्ल्यू एस-टी बी" श्रृंखला के अंकक सूचन सहित, स्वतः सूचक, अस्वचालित तोलन उपकरण ((टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीनस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2004/369 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^2$ ,  $2 \times 10^3$  या  $5 \times 10^4$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(282) 2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2004

**S.O. 1513.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic (Table top type) weighing instrument with digital indication of "VWS-TB" series of medium accuracy (accuracy class-III) and with brand name "VENUS" (hereinafter referred to as the said model), manufactured by M/s Venus Weighing systems, D. No. 76-8-5/3c, PRK & PPR Building, Swathi Theater Road, Bhawanipuram, Vijaywada-520012, Andhra Pradesh and which is assigned the approval mark IND/09/2003/369:

The said model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (e) in the range of 100 to 10000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured

[F. No. WM-21(282)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

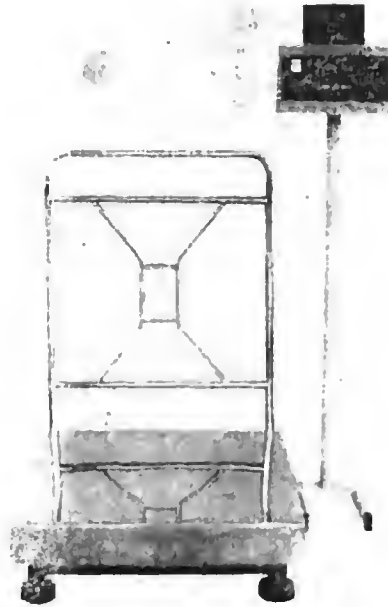
नई दिल्ली, 31 मार्च, 2005

का.आ. 1514.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैग्नेट वीनस वेईंग सिस्टम, डी नं० 76-8-5/3सी, पीआरके एंड पीपीआर बिल्डिंग, स्वाति थियेटर रोड, भवानीपुरम, विजयवाड़ा-520012, आंध्र प्रदेश द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "वी डब्ल्यू एस-पी टी" श्रृंखला के अंकक सूचन सहित, मूलतः सूचक, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीनस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/370 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उसमें अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. मं. डब्ल्यू. एम.-21(282) 2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2005

**S.O. 1514.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "VWS-PT" series of medium accuracy (accuracy class-III) and with brand name "VENUS" (hereinafter referred to as the said model), manufactured by M/s. Venus Weighing Systems, D. No. 76-8-5/3c, PRK & PPR Building, Swathi Theater Road, Bhawanipuram, Vijaywada-520012, Andhra Pradesh and which is assigned the approval mark IND/09/2003/370:

The said Model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000 kg, with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^1$ ,  $2 \times 10^1$  or  $5 \times 10^1$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(282)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

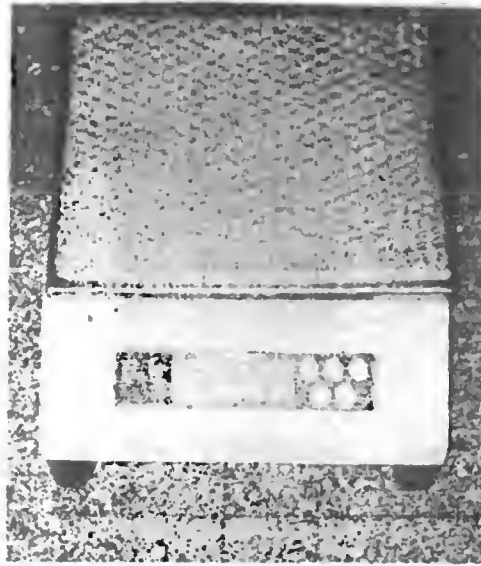


नई दिल्ली, 31 मार्च, 2005.

नं. अ. 1515.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथाश्रुता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बीटा इंजीनियरिंग वर्क्स, 42/250, विजय नगर फ्लैट, विजय नगर, चार रास्ता नारनपुरा, अहमदाबाद-382013 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ई-20" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/436 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करता है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति भापी गेज प्रकार का भार सेल आधारित (टेबल टाप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आद्यंतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आद्यंतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मर्यापन प्लेट के मुद्रांकन करने के अनिवार्य कपटपूर्ण व्यवहारों के लिए, मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

श्री केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी मिश्रण, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के जैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान भहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^4$  या  $5 \times 10^4$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.मं. डब्ल्यू. एम.-21(332) 2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2005

**S.O. 1515.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "BE-20" series of medium accuracy (accuracy class-III) and with brand name "BETA" (herein referred to as the said Model), manufactured by M/s. Beta Engineering Works, 42/250, Vijai Nagar Flat, Vijai Nagar Char Rasta, Naranpura, Ahmedabad-382013 and which is assigned the approval mark IND/09/2004/436;

The Said Model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg, with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g or with verification scale interval (e) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

(F. No. WM-21(332)/2002)

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 31 मार्च, 2005

का. आ. 1516.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बीटा इंजीनियरिंग वर्क्स, 42/250, विजय नगर फ्लैट, विजय नगर, चार रास्ता नारनपुरा, अहमदाबाद-382013 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी ई-50" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2004/437 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करता है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्त धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करता है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उम्मीद विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उम्मीद सामग्री से जिसमें अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उम्मीद श्रृंखला के वैसे ही मेक. यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से ऊपर और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू. एम.-21(332)/2002 ]

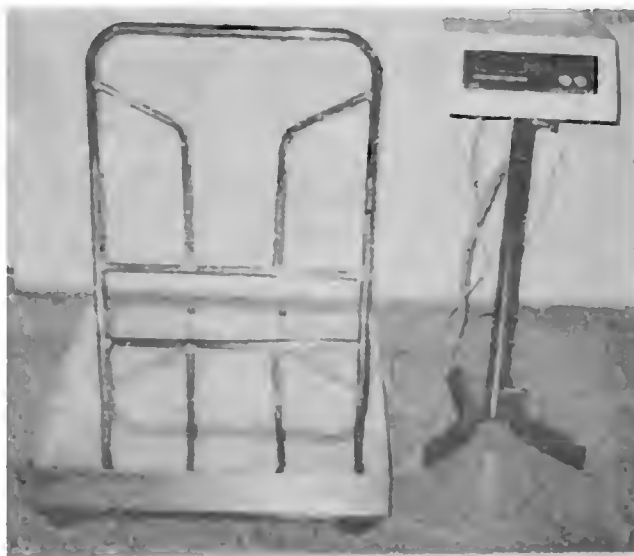
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2005

**S.O. 1516.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "BE-20" series of medium accuracy (accuracy class-III) and with brand name "BETA" (herein referred to as the said model), manufactured by M/s. Beta Engineering Works, 42/250, Vijai Nagar Flat, Vijai Nagar Char Rasta, Naranpura, Ahmedabad-382013 and which is assigned the approval mark IND/09/2003/437:

The said Model (See the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500 kg and minimum capacity of 2g. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model is to cover the weighing instrument of same series with maximum capacity above 50 kg. and upto 1000 kg, and with number of verification scale interval (n) in the range of 500 to 1000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(332)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 31 मार्च, 2005

का.आ. 1517.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अय, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स बीटा इंजीनियरिंग वर्क्स, 42/250, विजय नगर फ्लैट, विजय नगर, चार रास्ता नारनपुरा, अहमदाबाद-382013 द्वारा विनिर्मित पथ्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी ई-40 टी" श्रृंखला के सदृश सूचन सहित, अस्वचालित तोलन उपकरण (यांत्रिक वे ब्रिज-स्टीलयार्ड प्रकार) के मॉडल का, जिसके ब्रांड का नाम "बीटा" है (जिसे इसमें इसमें पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2004/438 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक अस्वचालित (यांत्रिक वे ब्रिज-स्टीलयार्ड प्रकार) तोलन उपकरण है जो मिश्रित लीवर और क्षुर धार के सिद्धान्त पर कार्य करता है। इसकी अधिकतम क्षमता 40000 कि.ग्रा. और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकित के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के बॅमे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^5$ ,  $2 \times 10^5$  या  $5 \times 10^5$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(332)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 31st March, 2005

**S.O. 1517.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical weighbridge-steelyard type) with analogue indication belonging to medium accuracy (Accuracy class III) of "BE-40T" series with brand name "BETA" (hereinafter referred to as the said model), manufactured by M/s. Beta Engineering Works, 42/250, Vijai Nagar Flat, Vijai Nagar Char Rasta, Naraina, Ahmedabad-382013 and which is assigned the approval mark IND/19/2004/438:

The said Model (See the figure given below) is a non-automatic weighing instrument (Mechanical weighbridge-steelyard type) based on the principles of compound levers and knife edges with a maximum capacity of 40,000 kg. and minimum capacity of 100 kg. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model have been manufactured.

[F. No. WM-2(1332)/2002]

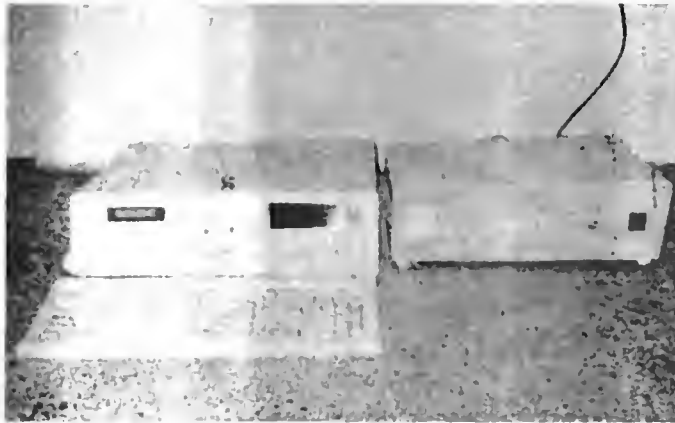
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 31 मार्च, 2005

का.आ. 1518.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अद्य, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बीटा इंजीनियरिंग वर्कर्स, 42/250, विजय नगर फ्लैट, विजय नगर, चार रास्ता नारनपुरा, अहमदाबाद-382013 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी ई-2002" श्रृंखला के स्वतःसूचक, अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वे ब्रिज के लिए संपरिवर्तन किट प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "बीटा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/439 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति मापी प्रकार का भार मेल आधारित (संपरिवर्तन किट के लिए वे ब्रिज) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान (ई) का मान 5 कि. ग्रा. है। इसमें एक आश्रयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आश्रयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी मिडान्त, डिजाइन के अनुसार और उसी सामग्री से जिसमें अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू.एम-21(332)/2002 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 31st March, 2005

**S.O. 1518.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Conversion kit for weigh bridge type) weighing instrument with digital indication of "BE-2002" series of medium accuracy (Accuracy class-III) and with brand name "BETA" (hereinafter referred to as the said model), manufactured by M/s. Beta Engineering Works, 42/250, Vijay Nagar Flat, Vijay Nagar Char Rasta, Naranpura, Ahmedabad-382013 and which is assigned the approval mark IND/09/2004/439:

The said model (see the figure given below) is a strain gauge load cell based (conversion kit for weigh bridge) weighing instrument with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts and 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 5 tonne and up to 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 1kg or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model has been manufactured

[F. No. WM-21(332)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अप्रैल, 2005

**क्र.आ. 1519.—केन्द्रीय सरकार** का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मोनिक सिस्टम्स राघवेन्द्र बिल्डिंग एस मुखर्जी रोड, के जी हल्ली, जला हल्ली, बंगलूर-560015 कर्नाटक द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एस-जे पी" शृंखला के अंकक मूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल-का, जिसके ब्राण्ड का नाम "डी सोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/440 समनुदर्शित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है। इसकी न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिसमें अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में, सत्यापन मान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू.एम-21(90)/2004 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st April, 2005

**S.O. 1519.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SS-JP" series of high accuracy (Accuracy Class-II) and with brand name "D-SONIC" (hereinafter referred to as the said Model), manufactured by M/s. Sonic Systems, Raghavendra Building, S. Mukherji Road, K.G. Halli, Jalahalli, Bangalore-560015, Karnataka and which is assigned the approval mark IND/09/2004/440;



The said Model is a strain-gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval ( $\delta$ ) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval ( $n$ ) in the range of 100 to 50,000 for 'c' value of 1mg. to 50mg. and with verification scale interval ( $n$ ) in the range of 5,000 to 50,000 for 'c' value of 100mg. and with 'c' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where  $k$  is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved Model has been manufactured.

[F No. WM-21(90)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 अप्रैल, 2005

का.आ. 1520.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अत्र, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मोनिक मिस्टम्स, राघवेन्द्र बिल्डिंग, एस मुखर्जी रोड, के. जी. हाली, जलहाली, बंगलौर-560015 कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एम एस-पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "डी मोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/491 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और, न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सौलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में, मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 10,000 के. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य

[फा. सं. डब्ल्यू एम-21(90)-2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st April, 2005

**S.O. 1520.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SS-PT" series of medium accuracy (Accuracy Class-III) and with brand name "D-SONIC" (hereinafter referred to as the said model), manufactured by M/s. Sonic Systems, Raghavendra Building, S. Mukherji Road, K.G. Halli, Jalahalli, Bangalore-560015, Karnataka and which is assigned the approval mark IND/09/2004/441.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 10000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^4$ ,  $2 \times 10^4$  or  $5 \times 10^4$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

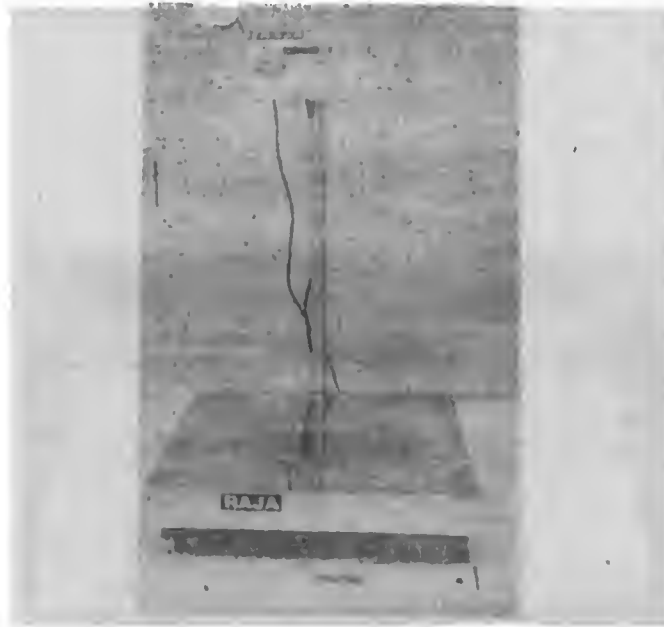
[F. No. WM-21(90)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

का.आ. 1521.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैग्स राधेश्याम ऋषिपाल फेक्ट्री, 308/14, शहजादा बाग, इंडस्ट्रीयल एरिया, दया वस्ती, दिल्ली-110035 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "आर पी एफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "राजा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/146 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (आकृति देखें) एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पन्नक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्यामिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में, सत्यापन (एन) अंतराल सहित 50 कि.ग्रा. से 1000 किग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, 'के' जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

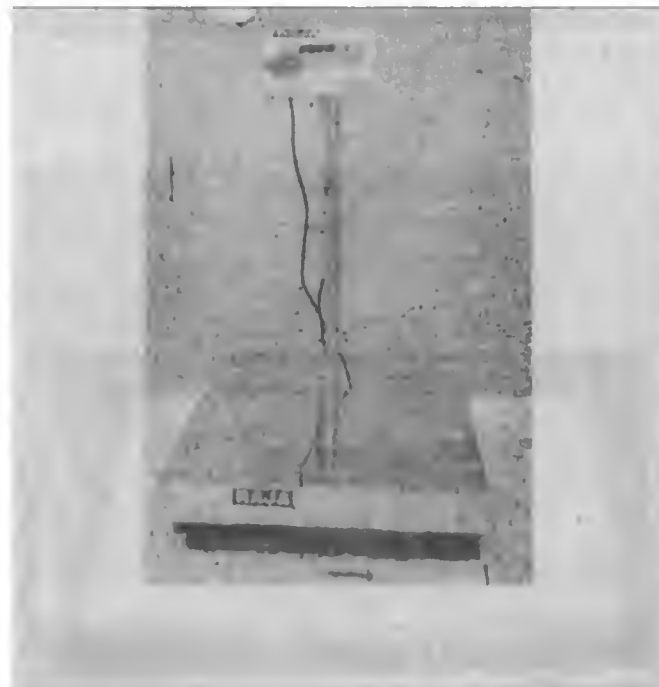
[फा. मं. डब्ल्यू एम-21(139)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1521.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (61 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "RPF" series of medium accuracy (Accuracy Class-III) and with brand name "RAJA" (herein referred to as the said model), manufactured by M/s. Radhey Shyam Rishi Pal (Factory), 308/14, Shahzada Bagh, Industrial Area, Daya Basti, Delhi-110035 and which is assigned the approval mark IND/09/2004/146.



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(139)/2003]

P. A. KRISHNAMOORTHY Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

का.आ. 1522.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साइंटिफिक वेईंग प्रोडक्ट्स, 236, पंचरत्न विल्लिंग, जी आई डी सी, चार रास्ता बापी, वलसाड जिला, गुजरात-396195 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एल-22 एम डब्ल्यू एस 22 टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "मैक्स वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/357 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी गेज प्रकार का भार सेल आधारित (टेबल टाप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में, सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू एम-21(34):2003 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 4th April, 2005

**S.O. 1522.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "L22 MWS 22-T" series of high accuracy (accuracy class-II) and with brand name "MAX WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Scientific Weighing Products 236, Panchratna Building GIDC, Char Rasta Vapi, District-Valsad, Gujarat-396195 and which is assigned the approved mark IND/09/2004/357:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(34)/2003]

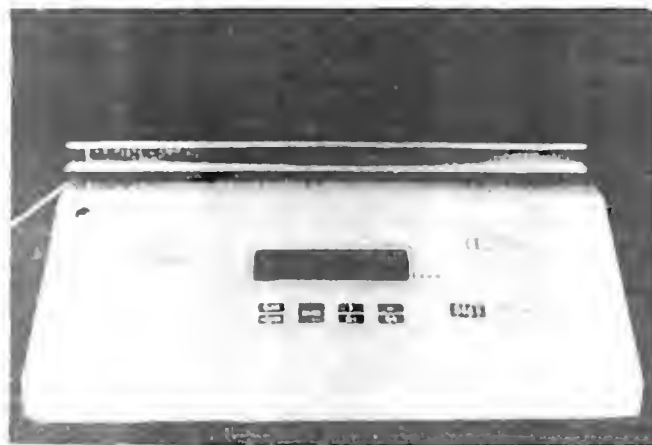
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

फा.आ. 1523.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथाश्रुति बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साइंटिफिक वेईंग प्रोडक्ट्स, 236, पंचरत्न बिल्डिंग, जी आई डी सी, चार रास्ता बापी, वलसाड जिला, गुजरात-396195 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एल-6 एम डब्ल्यू एस 30 टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "मैक्स वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/358 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी गेज-प्रकार का भार सेल आधारित (टेबल टाप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक भारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मैसूरिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथाश्रुति और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^2$ ,  $2 \times 10^2$  या  $5 \times 10^2$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(34)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1523.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "L-6 MWS 30-T" series of medium accuracy (accuracy class-III) and with brand name "MAX WEIGH" (hereinafter referred to as the said model), manufactured by M/s Scientific Weighing Products 236, Panchratna Building GIDC, Char Rasta Vapi, District-Valsad, Gujarat-396195 and which is assigned the approval mark IND/09/2004/358;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(34)/2003]

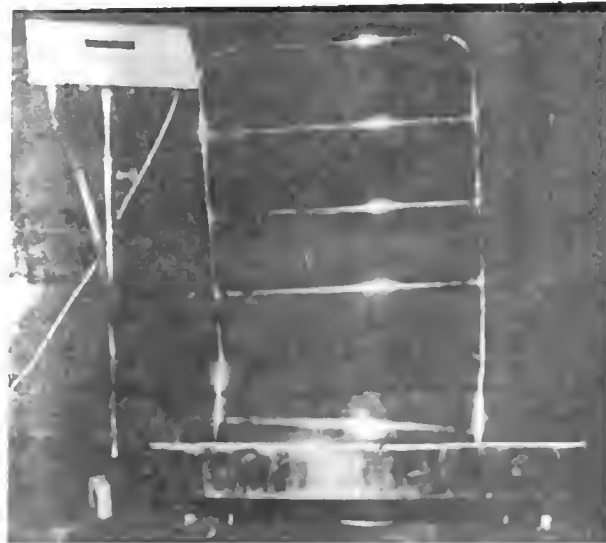
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

**का.आ. 1524.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अद्य, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मार्टेरिफिक वेईंग प्रोडक्ट्स, 236, पंचरत्न बिल्डिंग, जी आई डी सी, चार रास्ता बागी, वलसाड जिला, गुजरात-396195 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एल-10 एम डब्ल्यू एस 1-टी पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "मैक्स वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/359 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति मापी गेज प्रकार का भार सेल आधारित (प्लेटफार्म प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्ट्रॉम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी मिश्रित, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यफलन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में, सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से ऊपर और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$  या  $5 \times 10^4$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा.मं. डब्ल्यू.एम-21(34)-2003 ]

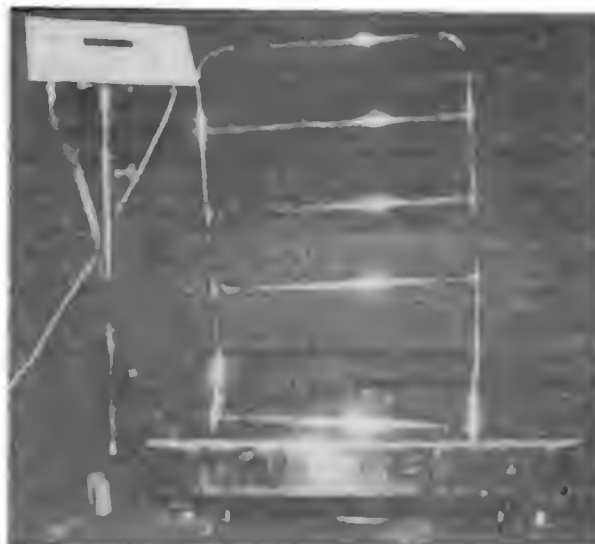
पं. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1524.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Platform type) with digital indication of "L-10 MWS I-TP" series of medium accuracy (Accuracy class-III) and with brand name "MAX WEIGH" (hereinafter referred to as the said model), manufactured by M/s Scientific Weighing Products 236, Panchratna Building GIDC, Char Rasta Vapi, District-Valsad, Gujarat-396195 and which is assigned the approval mark IND/09/2004/359:

The said model is a strain gauge load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(34)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

**का.आ. 1525.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स माइंटिफिक वेइंग प्रोडक्ट्स, 236, पंचरल बिल्डिंग, जी आई डी सी, चार रास्ता वापी, वलसाड जिला, गुजरात-396195 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एल-6 एम डब्ल्यू एस 30-टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "मैक्स वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/358 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी गेज प्रकार का भार सेल आधारित (टेबल टाप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मैट्रामिंग प्लेट को मुद्रांकित करने के आंतरिक कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उमी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उमी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में, सत्यापन मान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के (ई) मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो भनात्मक या क्रणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(34): 2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1525.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "L-6 MWS 30-T" series of medium accuracy (Accuracy class-III) and with brand name "MAX WEIGH" (hereinafter referred to as the said model), manufactured by M/s Scientific Weighing Products 236, Panchratna Building GIDC, Char Rasta Vapi, District-Valsad, Gujarat-396195 and which is assigned the approval mark IND/09/2004/358:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No WM-21(34)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

**का.आ. 1526.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रतीक एंटरप्राइजेज, बी-2, आर्यनश्वर पार्क, साकार नगर, पुणे-411 009 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "टी टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "एस आई एस. नोकिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/387 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति (स्ट्रेन) गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है। इसकी न्यूनतम क्षमता 100 ग्रा. है। मल्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तननात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्याम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खालने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में, मल्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(23) 2003।]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 4th April, 2005

**S.O. 1526.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "TT" series of medium accuracy (Accuracy Class-III) and with brand name "SIS.NOKIA" (hereinafter referred to as the said model), manufactured by M/s. Pratik Enterprises, B-2, Aranyashwar Park, Sahakar Nagar, Pune-411 009 and which is assigned the approval mark IND/09/2004/387:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured

[F. No. WM-2112342003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

क्र.आ. 1527.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेंगे और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रताप एंटरप्राइजेज, बी-2, आर्यनश्वर पार्क, साकार नगर, पुणे-411009 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "पी एफ" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "एम आई एस. नाकिया" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/388 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति (स्ट्रेन) गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उन्हीं सामग्रियों से जिसमें अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में, मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू एम-21(23)/2003 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1527.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "PF" series of medium accuracy (Accuracy Class-III) and with brand name "SIS.NOKIA" (hereinafter referred to as the said model), manufactured by M/s Pratik Enterprises, B-2, Aranyashwar Park, Sahakar Nagar, Pune-411009 and which is assigned the approval mark IND/09/2004/388



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz. alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 1000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \cdot 10^k$ ,  $2 \cdot 10^k$  or  $5 \cdot 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(23)/2007]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 4 अप्रैल, 2005

का.आ. 1528.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथाथता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एसआई-टेराओका लिमिटेड, सं. 377/22, 6वां क्रॉस, विल्सन गार्डन, बंगलौर-560027 द्वारा विनिर्मित मध्यम यथाथता (यथार्थता वर्ग-III) वाले "डीएस-415 (कि.ग्रा./ली.)" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "एमआई" है (जिसमें इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/390 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 600 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। इसमें द्रव्यमान को आयतन (कि. ग्रा. से लीटर में संपरिवर्तन) में संपरिवर्तित करने की सुविधा है। निर्वात प्रतिदीप्त प्रदर्श (बी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वॉल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



ग्रेटिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने में रोकने के लिए भी मालबंद को जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उम्मी विनिर्माता द्वारा उम्मी सिद्धान्त, डिजाइन के अनुसार और उम्मी मापग्रा में जिसमें अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उम्मी शृंखला के वैसे ही मक, यथाथता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या इससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \cdot 10^3$ ,  $2 \times 10^3$  या  $5 \cdot 10^3$  के हैं, जो यन्त्रात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं० डब्ल्यू एम-21(107), 2004]

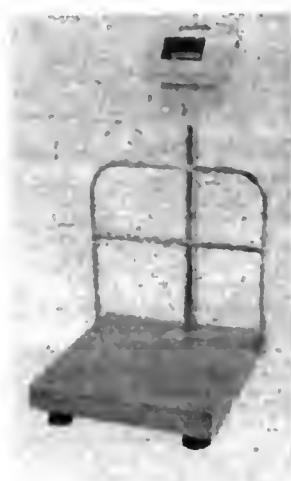
पी. ए. ऋणामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 4th April, 2005

**S.O. 1528.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "DS-415(KG/1)" series of medium accuracy (Accuracy Class-III) and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s Essae-Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560027 and which is assigned the approval mark IND/09/2004/390:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. It has facility for converting mass to volume (kg to litre conversion). The Vacuum Fluorescent Display (VFD) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and upto 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \cdot 10^k$ ,  $2 \cdot 10^k$  or  $5 \cdot 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(107)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 21 अप्रैल, 2005

का. आ. 1529.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें, इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 97 तारीख 3 जनवरी, 2005, जो भारत के राजपत्र तारीख 8 जनवरी, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 जनवरी 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगनों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

## अनुसूची

तहसील : देवास		जिला : देवास	राज्य : मध्यप्रदेश
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	होशियार खेड़ी	1(नदी)	0.0780
		107	0.1368
		105	0.4250
		106	0.4824
		101	0.0540
		99	0.2844
		95	0.1296
		96 (शां० सड़क)	0.0228
		70	0.1476
		62	0.5400
		72	0.0046
		73	0.0640
		60	0.5040
		4 (नदी)	0.0678
2.	सिरोंज	214 (नदी)	0.0360
		256	0.2840
		278	0.2080
		275	0.0940
		276	0.1080
		283	0.1728
		282	0.1296
		291	0.0166
		290	0.3600
		294 (शां० सड़क)	0.0216
		296	0.1800
		304	0.1584
		299	0.0056
		300	0.0720
		303	0.1440
		313	0.1836
		314	0.2700

1	2	3	4
2.	सिरोंज (जारी.....)	317 (शा0 सड़क)	0.0360
		316	0.0180
3.	आंट	356	0.0360
		307	0.0540
		310	0.1152
		313	0.1260
		314	0.0738
		315	0.0900
		316	0.0954
		317	0.0054
		319	0.0054
		320	0.3888
		288	0.1080
		287	0.2073
		274	0.1368
		275	0.0684
		276	0.1098
		277	0.2883
		266	0.0324
4.	बैरागढ़	1063	0.0432
		1064	0.0216
		1065	0.0054
		1066	0.1422
		1091	0.0684
		1072	0.2985
		1074	0.1288
		1075	0.0972
		1076	0.0252
		1077	0.1512
		1078	0.0972
		1133 (शा0 सड़क)	0.0342
		1188	0.0756
		1174	0.1728
		1176	0.0900
		1177, 1178	0.0828
		1186	0.0791
		1185	0.2016
		1208	0.1044
		1209	0.0134
		1210	0.1440
		1212	0.1620
		1213	0.0252
		1225	0.0360
		1224	0.1098
		1223	0.1080
		1226 (शा0 सड़क)	0.0288
		1291 (शा0 भूमि)	0.0288
		1290	0.1458
		1289	0.1008
		241	0.0720
		421	0.3002
		420	0.0890
		419	0.1332
		191	0.1962
		201	0.4777
		200	0.3114
		210	0.3312

1	2	3	4
4.	बैरागढ़ (जारी.....)	209	0.0054
		212	0.0324
		275	0.0972
		215	0.2308
		274	0.2106
		216	0.0180
		217	0.2012
		218	0.1482
		219	0.0253
		222	0.2808
		223	0.0216
		221	0.1224
		220	0.0090
		224	0.0036
		227	0.0060
		235	0.3096
		234	0.2646
		233	0.0360
5.	कवडी	486 (शा0 भूमि)	0.0380
		405	0.2325
		406	0.1800
		407	0.1586
		408	0.1721
		409	0.1232
		460	0.1800
		410	0.0900
		416	0.2880
		415	0.0090
		420	0.4320
		426	0.1152
		427	0.0876
		429	0.1627
		430	0.0576
		431	0.1620
		185	0.0090
		186	0.2376
		126	0.1260
		127	0.2430
		129	0.1800
		130	0.3060
		40	0.4770
		11	0.1008
		10	0.1080
		9	0.1152
		8	0.1350
		20	0.0360
6.	कोलुखेड़ी	107 (शा0 भूमि)	0.0360
		84 (शा0 सड़क)	0.0540
		39	0.2196
		40	0.2880
		41	0.0288
		61	0.0900
		60	0.0900
		64	0.3330
		82	0.5256
		82/118	0.1260



1	2	3	4
6.	कोलुखेड़ी (जारी)	78	0.3060
		74	0.0090
		75 (शा0 सड़क)	0.0360
7.	नरखेड़ी	43 (शा0 सड़क)	0.0360
		123	0.2074
		46	0.0216
		45	0.0090
		44	0.1260
		122	0.0198
		37	0.1800
		36	0.0180
		38	0.2183
		30	0.1951
		12	0.3174
		13	0.0540
		7	0.0216
		8	0.2749
		6	0.0360
8.	निकलंक	95	0.0450
		93	0.5086
		101	0.4657
		82 (शा0 सड़क)	0.0360
		73	0.1011
		71	0.3502
		70	0.0936
		52	0.1044
		34	0.0540
		29	0.3924
		30	0.0180
		26	0.1440
		24	0.0180
		25	0.0090
		9	0.1890
		10	0.2196
		11	0.4981
9.	भानोली	1 (शा0 भूमि)	0.0360
		368	0.0648
		367	0.4356
		366	0.1928
		362	0.1350
		363	0.5670
		365 (शा0 नाला)	0.0252
		159	0.2556
		156	0.0540
		158	0.0540
		154	0.0270
		152	0.1170
		153	0.0108
		133	0.0180
		132	0.1872
		130	0.4392
		109	0.0090
10.	जिवाजीपुरा	83	0.2494
		47	0.0054
		48	0.4230
		32	0.2040

1	2	3	4
10.	जिवाजीपुरा (जारी)	31	0.1440
		29	0.1656
		28	0.1674
		62	0.0324
11.	सालमखेड़ी	9	0.0288
		7	0.4986
		3/190,16	0.0180
		20	0.3456
		21	0.4620
		31	0.1314
		32	0.1440
		33	0.2970
		1	0.0288
12.	बरखेड़ी कायम	363	0.0360
		339	0.1800
		338	0.0900
		337	0.0900
		334 (शा0 सड़क)	0.0288
		333	0.1260
		328	0.2448
		327	0.3240
		326	0.0180
		323	0.0270
		280	0.1548
		322	0.0054
		318,319	0.2610
		317	0.2970
		284	0.2880
		285	0.1080
		289	0.0684
		286	0.0810
		255	0.0630
		245	0.3796
		247	0.2871
		220	0.1980
		219 (शा0 सड़क)	0.0324
		206	0.5040
		205	0.0180
13.	भैंसुनी	310 (शा0 नाला)	0.0270
		288	0.5004
		306	0.1404
		289	0.2700
		293	0.0720
		281	0.2538
		266	0.3168
		269	0.0180
		268 (शा0 सड़क)	0.0090
		258	0.1440
		259	0.1170
		260 (शा0 नाला)	0.0720
		240	0.0363
		243	0.0756
		145	0.0180
		170	0.1440
		170/425	0.0450
		199	0.1440

1	2	3	4
13.	भैसुनी ( जारी )	176	0.7596
		178	0.1620
		179	0.1440
		181	0.4500
		216	0.0360
14.	सुमराखेड़ा	263	0.0630
		255	0.0396
		254	0.2700
		252	0.0396
		253	0.0684
15.	पंथमुंडला	446	0.0180
		481	0.0396
		480	0.0792
		477 (शा0 सड़क)	0.0360
		476	0.1530
		472	0.0585
		471	0.0612
		468	0.1008
		466	0.1080
		463	0.2160
		448	0.2484
		447	0.1044
		445	0.1116
		443	0.1188
		396 (रेल भूमि)	0.1080
		393	0.0792
		394	0.1080
		392	0.0054
		325 (शा0 नाला)	0.0090
		326 (शा0 भूमि)	0.0180
		321	0.0612
		320	0.0900
		319	0.0090
		317	0.1764
		307	0.0630
		308	0.0144
		135	0.1800
		132	0.0360
		134	0.0630
		127 (शा0 भूमि)	0.0234
		126 (शा0 नाला)	0.0180
		125 (शा0 भूमि)	0.0630
		124	0.1440
		121	0.1636
		120	0.0090
		119	0.1944
16.	सुनवानी गोपाल	845	0.0180
		855	0.0720
		856	0.0900
		857	0.0900
		858	0.1530
		859	0.4410
		860	0.0054
		832	0.0936
		833,824	0.1710
		825	0.3168

1	2	3	4
16.	सुनवानी गोपाल (जारी.....)	822	0.0720
		826	0.0540
		806	0.0684
		793	0.4644
		791	0.1404
		184	0.1530
		185	0.1026
		179	0.0810
		167	0.1620
		168	0.0126
		165	0.2376
		164	0.0288
17.	जवासिया	457	0.1260
		490	0.1422
		488	0.2094
		487	0.1800
		477	0.5580
		476	0.3690
		474	0.0180
		475	0.1211
		522 (शा० सड़क)	0.0720
		524 (शा० भूमि)	0.0630
		525	0.3510
		529	0.0900
		527	0.1800
		544 (शा० सड़क)	0.0180
		382	0.1080
		381	0.1512
		379	0.0576
		377	0.0360
		376	0.0968
		375	0.0810
		343 (शा० नाला)	0.0360
		321	0.3276
		319	0.4266
		320	0.0090
		290,291 (शा० नाला)	0.0288
		289	0.0090
		288	0.1800
		287 (शा० सड़क)	0.0216
		286	0.1800

[फा०सं०आर० - 31015/65/2004- ओ आर - II]

हरीश कुमार, अवर सचिव

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 21st April, 2005

**S. O. 1529.**— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.97, dated the 3<sup>rd</sup> January, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 8<sup>th</sup> January, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Mangliya Pipeline Extension Project from Mangliya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 27<sup>th</sup> February, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

**SCHEDULE**

TEHSIL : DEWAS		DISTRICT : DEWAS	STATE : MADHYA PRADESH
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	HOSHIYARA KHEDI	1 (River)	0.0780
		107	0.1368
		105	0.4250
		106	0.4824
		101	0.0540
		99	0.2844
		95	0.1296
		96 (Govt.road)	0.0228
		70	0.1476
		62	0.5400
		72	0.0046
		73	0.0640
		60	0.5040
		4 (River)	0.0678
2.	SIRONJ	214 ( River)	0.0360
		256	0.2840
		278	0.2080
		275	0.0940
		276	0.1080
		283	0.1728
		282	0.1296
		291	0.0166
		290	0.3600
		294 (Govt.road)	0.0216
		296	0.1800
		304	0.1584
		299	0.0056
		300	0.0720
		303	0.1440

1	2	3	4
2.	SIRONJ (Contd.....)	313	0.1836
		314	0.2700
		317 (Govt.road)	0.0360
		316	0.0180
3.	ANT	356	0.0360
		307	0.0540
		310	0.1152
		313	0.1260
		314	0.0738
		315	0.0900
		316	0.0954
		317	0.0054
		319	0.0054
		320	0.3888
		288	0.1080
		287	0.2073
		274	0.1368
		275	0.0684
		276	0.1098
		277	0.2883
		266	0.0324
4.	BAIRAGARH	1063	0.0432
		1064	0.0216
		1065	0.0054
		1066	0.1422
		1091	0.0684
		1072	0.2985
		1074	0.1288
		1075	0.0972
		1076	0.0252
		1077	0.1512
		1078	0.0972
		1133 (Govt.road)	0.0342
		1188	0.0756
		1174	0.1728
		1176	0.0900
		1177, 1178	0.0828
		1186	0.0791
		1185	0.2016
		1208	0.1044
		1209	0.0134
		1210	0.1440
		1212	0.1620
		1213	0.0252
		1225	0.0360
		1224	0.1098
		1223	0.1080
		1226 (Govt.road)	0.0288
		1291 (Govt.Land)	0.0288
		1290	0.1458
		1289	0.1008
		241	0.0720
		421	0.3002
		420	0.0890
		419	0.1332
		191	0.1962
		201	0.4777
		200	0.3114
		210	0.3312

1	2	3	4
4.	BAIRAGARH (Contd.....)	209	0.0054
		212	0.0324
		275	0.0972
		215	0.2308
		274	0.2106
		216	0.0180
		217	0.2012
		218	0.1482
		219	0.0253
		222	0.2808
		223	0.0216
		221	0.1224
		220	0.0090
		224	0.0036
		227	0.0060
		235	0.3096
		234	0.2646
		233	0.0360
5.	KAVADI	486 (Govt.Land)	0.0380
		405	0.2325
		406	0.1800
		407	0.1586
		408	0.1721
		409	0.1232
		460	0.1800
		410	0.0900
		416	0.2880
		415	0.0090
		420	0.4320
		426	0.1152
		427	0.0876
		429	0.1627
		430	0.0576
		431	0.1620
		185	0.0090
		186	0.2376
		126	0.1260
		127	0.2430
		129	0.1800
		130	0.3060
		40	0.4770
		11	0.1008
		10	0.1080
		9	0.1152
		8	0.1350
		20	0.0360
6.	KOLUKHEDI	107 (Govt.Land)	0.0360
		84 (Govt.Road)	0.0540
		39	0.2196
		40	0.2880
		41	0.0288
		61	0.0900
		60	0.0900
		64	0.3330
		82	0.5256
		82/118	0.1260
		78	0.3060
		74	0.0090
		75 (Govt.Road)	0.0360

1	2	3	4
7.	NARKHEDI	43 (Govt.Road)	0.0360
		123	0.2074
		46	0.0216
		45	0.0090
		44	0.1260
		122	0.0198
		37	0.1800
		36	0.0180
		38	0.2183
		30	0.1951
		12	0.3174
		13	0.0540
		7	0.0216
		8	0.2749
		6	0.0360
8.	NIKLANK	95	0.0450
		93	0.5086
		101	0.4657
		82 (G.Road)	0.0360
		73	0.1011
		71	0.3502
		70	0.0936
		52	0.1044
		34	0.0540
		29	0.3924
		30	0.0180
		26	0.1440
		24	0.0180
		25	0.0090
		9	0.1890
		10	0.2196
		11	0.4981
		1(G.Land)	0.0360
9.	BHANOLI	368	0.0648
		367	0.4356
		366	0.1928
		362	0.1350
		363	0.5670
		365 (G.Drain)	0.0252
		159	0.2556
		156	0.0540
		158	0.0540
		154	0.0270
		152	0.1170
		153	0.0108
		133	0.0180
		132	0.1872
		130	0.4392
		109	0.0090
10.	JIWAJIPURA	83	0.2494
		47	0.0054
		48	0.4230
		32	0.2040
		31	0.1440
		29	0.1656
		28	0.1674
		62	0.0324
11.	SALAMKHEDI	9	0.0288
		7	0.4986



1	2	3	4
11.	<b>SALAMKHEDI (Contd.....)</b>	3/190,16	0.0180
		20	0.3456
		21	0.4620
		31	0.1314
		32	0.1440
		33	0.2970
		1	0.0288
12.	<b>BARKHEDI KAYAM</b>	363	0.0360
		339	0.1800
		338	0.0900
		337	0.0900
		334 (G.Road)	0.0288
		333	0.1260
		328	0.2448
		327	0.3240
		326	0.0180
		323	0.0270
		280	0.1548
		322	0.0054
		318,319	0.2610
		317	0.2970
		284	0.2880
		285	0.1080
		289	0.0684
		286	0.0810
		255 (G.Road)	0.0630
		245	0.3796
		247	0.2871
		220	0.1980
		219 (G.Road)	0.0324
		206	0.5040
		205	0.0180
13.	<b>BHAINSUNI</b>	310 (G.Drain)	0.0270
		288	0.5004
		306	0.1404
		289	0.2700
		293	0.0720
		281	0.2538
		266	0.3168
		269	0.0180
		268 (G.Road)	0.0090
		258	0.1440
		259	0.1170
		260 (G.Drain)	0.0720
		240	0.0363
		243	0.0756
		145	0.0180
		170	0.1440
		170/425	0.0450
		199	0.1440
		176	0.7596
		178	0.1620
		179	0.1440
		181	0.4500
		216	0.0360
14.	<b>SUMARAKHEDA</b>	263	0.0630
		255	0.0396
		254	0.2700
		252	0.0396

1	2	3	4
14.	SUMARAKHEDA (Contd.....)	253	0.0684
15.	PANTHMUNDALA	446	0.0180
		481	0.0396
		480	0.0792
		477 (G.Road)	0.0360
		476	0.1530
		472	0.0585
		471	0.0612
		468	0.1008
		466	0.1080
		463	0.2160
		448	0.2484
		447	0.1044
		445	0.1116
		443	0.1188
		396 (Railway Land)	0.1080
		393	0.0792
		394	0.1080
		392	0.0054
		325 (G.Drain)	0.0090
		326 (G.Land)	0.0180
		321	0.0612
		320	0.0900
		319	0.0090
		317	0.1764
		307	0.0630
		308	0.0144
		135	0.1800
		132	0.0360
		134	0.0630
		127 (G.Land)	0.0234
		126 (G.Drain)	0.0180
		125 (G.Land)	0.0630
		124	0.1440
		121	0.1638
		120	0.0090
		119	0.1944
16.	SUNWANI GOPAL	845	0.0180
		855	0.0720
		856	0.0900
		857	0.0900
		858	0.1530
		859	0.4410
		860	0.0054
		832	0.0936
		833,824	0.1710
		825	0.3168
		822	0.0720
		826	0.0540
		806	0.0684
		793	0.4644
		791	0.1404
		184	0.1530
		185	0.1026
		179	0.0810
		167	0.1620
		168	0.0126
		165	0.2376
		164	0.0288

1	2	3	4
17.	JAWASIYA	457	0.1260
		490	0.1422
		488	0.2094
		487	0.1800
		477	0.5580
		476	0.3690
		474	0.0180
		475	0.1211
		522 (G.Road)	0.0720
		524 (G.Land)	0.0630
		525	0.3510
		529	0.0900
		527	0.1800
		544 (G.Road)	0.0180
		382	0.1080
		381	0.1512
		379	0.0576
		377	0.0360
		376	0.0968
		375	0.0810
		343 (G.Drain)	0.0360
		321	0.3276
		319	0.4266
		320	0.0090
		290,291 (G.Drain)	0.0288
		289	0.0090
		288	0.1800
		287 (G.Road)	0.0216
		286	0.1800

[F.N. R-31015/ 65/2004-OR-II]

HARISH KUMAR. Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 1 अप्रैल, 2005

का. आ. 1530.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 43 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 घ की उप-धारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्री वी.के. शर्मा, सचिव, फिल्म प्रमाणन अपीलीय अधिकरण (एफ.सी.ए.टी.) की प्रतिनियुक्ति की अवधि को दिनांक 09.03.2005 से एक वर्ष तक की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. 801/13/98-एफ (सी)]

विश्वजीत सहाय, निदेशक (फिल्म)

**MINISTRY OF INFORMATION AND BROADCASTING**

New Delhi, the 1st April, 2005

S.O. 1530.—In exercise of the powers conferred by sub-section (7) of Section 5D of the Cinematograph Act, 1952 (37 of 1952) read with Rule 43 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to extend the period of deputation in respect of Shri V.K. Sharma, Secretary, Film Certification Appellate Tribunal (FCAT), for a period of one year w.e.f. **09.03.2005** or until further orders, whichever is earlier.

[F. No.801/13/98-F(C)]

VISHVAJIT SAHAY, Director (Films)

**श्रम मंत्रालय**

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1531.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/122/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/385/1995-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

**MINISTRY OF LABOUR**

New Delhi, the 24th March, 2005

**S.O. 1531.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/122/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL and their workmen, which was received by the Central Government on 24-03-2005

[No. L-22012/385/1995-IR (CM-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

No. CGIT/LC/R/122/96

SHRI C. M. SINGH : Presiding Officer

The President,

M. P. Koyla Mazdoor Sabha (H. M. S.),

Naveen Nagar, Post Amlai Colliery,

Distt. Shahdol (M. P.) ... Union/workman

*Versus*

The Sub Area Manager,

Amlai Opencast Mines,

Post, Sanjay Koyla Nagar,

Distt. Shahdol (M. P.) ... Management

**AWARD**

Passed on this 18th day of March, 2005

The Government of India, Ministry of Labour vide its Notification No. L-22012(385)/95-IR(C.II) dated 2-5-96 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the Sub Area Manager, Amlai Opencast Mines of Sohagpur Area of SECL in not promoting Shri Rajesh Kumar Sharma, Cat. V workers to the post of Asstt. Foreman (Elect.) T & S Grade 'C' which is already performing since

26-8-90 is legal and justified ? To what relief the workman is entitled ?"

2. After the reference order was received, it was duly registered on 13-5-96 and notices were issued to the parties. But no body put in appearance on behalf of workman/Union and therefore lastly the notices were issued to the workman/Union by registered post. In spite of sufficient service of notice by registered post, the workman failed to put in appearance and to file the statement of claim. It clearly indicates that the workman has no interest in the case and does not want to prosecute this reference.

3. Under the above circumstances, No dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1532.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/148/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/331/1997-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1532.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/148/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL and their workmen, which was received by the Central Government on 24-03-2005

[No. L-22012/331/1997-IR (CM-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

No. CGIT/LC/R/148/98

SHRI C. M. SINGH : Presiding Officer

The Branch Secretary,

M. P. K. M. S., Qtr. No. B-44,

Ompur, Rajgamar Colliery,

Distt. Bilaspur (M. P.) ... Union/workman

*Versus*

Dy. General Manager,  
SECL, Rajgamar Colliery,  
P.O. Rajgamar, Distt. Bilaspur (M. P.)  
... Management

### AWARD

Passed on this 18th day of March, 2005

The Government of India, Ministry of Labour vide its Notification No. L-22012/331/97-IR(CM.II) dated 22-7-1998 has referred the following dispute for adjudication by this tribunal :—

“Whether the demand of Secretary, Madhya Pradesh Koyla Mazdoor Sabha (HMS) for promotion of Parasram S/o Sullu as MTK. Gr. III/ Clerk Gr. III either w.e.f. 14-7-95 (on completion of one year continuous service as MTK. Gr. III) or from 24-11-95 (date of order/of promotion of general mazdoors as Clerk Gr. III) and payment of arrears by the management of SECL, Rajnagar Colliery, is justified ? If so, to what relief the workman is entitled ?”

2. After the reference order was received, it was duly registered on 4-8-98 and notices were issued to the parties. On several dates, the notices were issued to the workman but the workman failed to put in appearance and to file the statement of claim. There is an application paper No. 7 on record signed by the workman and the Personal Manager, Rajgamar Colliery wherein it is mentioned that the case and dispute between the parties has been settled as the management has given promotion to the workman in Clerk Grade. It is requested therein that the case be closed. This joint application by the workman and the management clearly indicate that the parties do not want to prosecute this reference.

3. Under the above circumstances. No Dispute Award is passed without any order as to costs.

4. The copy of the Award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/24/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/414/1997-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

S.O. 1533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/244/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL and their workmen, which was received by the Central Government on 24-03-2005

[No. L-22012/414/1997-IR (CM-II)]

N. P. KESAVAN, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/244/98

SHRI C. M. SINGH : Presiding Officer

The Area General Secretary,  
Rashtriya Koyla Khadan Mazdoor  
Sangh (INTUC),  
Branch Korba Area,  
Distt., Bilaspur (M. P.),  
Bilaspur.

... Union/workman

*Versus*

The Sub Area Manager,  
SECL, Rajgamar Colliery,  
PO. Rajgamar,  
Distt. Bilaspur,  
Bilaspur (M. P.)

... Management

### AWARD

Passed on 25-02-2005

The Government of India, Ministry of Labour vide its Notification No. L-22012/414/97-IR(CM.II) dated 12-11-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Rajgamar Colliery, Distt. Bilaspur (M. P.) in terminating the services of Shri Gaurilal, S/o Late Dhomsa is justified ? If not to what relief is the workman entitled ?”

2. After the reference order was received, it was duly registered on 23-11-98 and notices were issued to the parties. After several dates fixed in the case, on 8-5-04, the authorised representative of the workman/ Union put in appearance and sought time for filing statement of claim. Thereafter the workman/Union did not appear on any date. The record reveals that again the notice was served on the workman/Union by registered AD post for filing statement of claim. But in spite of sufficient service of notice, the workman/Union neither put in appearance nor filed the statement of claim.

3. Under the above circumstances, it is quite clear that the workman/Union has lost interest in the case and does not want to prosecute this reference. Therefore, No Dispute Award is passed without any order as to costs.

4. The Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1534.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/7/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/413/1997-आई. आर. (सी.एम.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1534.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/7/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL and their workman which was received by the Central Government on 24-03-2005

[No. L-22012/413/1997-IR (CM-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/7/99

SHRI C. M. SINGH : Presiding Officer

The Assistant General Secretary,  
RKKMS (INTUC), C-121,  
Subhash Block SECL,  
PO Korba Colliery,  
Distt. Bilaspur (M. P.) ... Union/workman

*Versus*

The Sub Area Manager,  
SECL, Rajgamar Colliery,  
Distt. Bilaspur (M.P.) ... Management

#### AWARD

Passed on 09-03-2005

The Government of India, Ministry of Labour vide its Notification No. L-22012/413/97-IR(CM.II) dated 27-11-98 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Rajgamar Colliery, Distt. Bilaspur (M. P.) in terminating the services of Shri Chathur Singh, Ex General Mazdoor w.c.f. 19/20th April, 1995 is legal and justified? If not, to what relief is the workman entitled?”

2. After the reference order was received, it was duly registered and notices were issued to the parties. This reference order was registered on 11-1-99. The workman/Union in response of notice, put in appearance on 8-5-04 and sought time for filing the statement of claim. But thereafter the workman/Union failed to appear on several dates fixed in the reference. In spite of sufficient service of notice on the workman/Union by registered AD post, the workman failed to file the statement of claim and therefore on 17-2-2005, the reference was closed for Award. It is very clear from the above that the Union/workman has no interest in prosecuting this reference.

3. Since the workman/Union has no interest in prosecuting this reference, No Dispute Award is passed without any order as to costs.

4. The Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1535.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/8/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/411/1997-आई. आर. (सी.एम.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1535.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/8/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL and their workman which was received by the Central Government on 24-03-2005

[No. L-22012/411/1997-IR (CM-II)]  
N. P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR****No. CGIT/LC/R/8/99****SHRI C. M. SINGH : Presiding Officer**

The Area General Secretary,  
RKKMS (INTUC), C-121,  
Subhash Block, SECL,  
PO Korba Colliery.  
Distt. Bilaspur (M. P.) ... Union/workman

*Versus*

The Sub Area Manager,  
SECL, Rajgamar Colliery,  
Distt. Bilaspur (M.P.) ... Management

**AWARD****Passed on 09-03-2005**

The Government of India, Ministry of Labour *vide* its Order No. L-22012/411/97-IR(CM.II) dated 27-11-98 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Rajgamar Colliery, Bilaspur (M. P.) in terminating the services of Shri Dayaram, S/o Shri Ganesh, Ex Trammer of 6 & 7 incline of Rajgamar Colliery w.e.f. 2-7-90 is justified ? If not, to what relief is the workman entitled ?”

2. After the reference order was received, it was duly registered on 11-1-99 and notices were issued to the parties. In spite of sufficient service of notice on the workman/Union by registered AD post, the workman neither put in appearance nor filed the statement of claim. It clearly shows that the workman has no interest in the reference and does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

**C. M. SINGH, Presiding Officer**

नई दिल्ली, 24 मार्च, 2005

का. आ. 1536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/44/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/288/1999-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1536.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/44/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of WCL and their workmen, received by the Central Government on 24-03-2005

[No. L-22012/288/1999-IR (CM-II)]

N. P. KESAVAN, Desk Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR****No. CGIT/LC/R/44/2000****SHRI C. M. SINGH : Presiding Officer**

The Secretary,  
RKKMS (INTUC),  
PO Chandametta,  
Distt. Chhindwara (M. P.) ... Union/workman

*Versus*

The Chief General Manager,  
WCL, Kanhan Area, PO Dungaria,  
Distt. Chhindwara (M.P.) ... Management

**AWARD****Passed on this 18th day of March, 2005**

The Government of India, Ministry of Labour *vide* its Notification No. L-22012/288/99-IR(CM.II) dated 24-1-2000 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Manager, Tandsi Project of WCL, Kanhan Area, PO : Tandsi, Distt. Chhindwara (MP) in dismissing the services of Sh. Denu, S/o Langada, DPR of Tandsi Project is justified ? If not, to what relief the workman is entitled ?”

2. After the reference order was received, it was duly registered on 7-2-2000 and notices were issued to the parties. There is an application dated 15-9-94 on record on behalf of the management with the prayer that the Award be passed in terms of settlement deed attached with the application. The settlement deed dated 15-9-04 is on record. Its execution has been admitted and verified by the learned counsel for the parties in my presence and thus the execution of settlement deed is duly verified before me. The following are the terms and conditions of the settlement deed :

“(i) It is agreed by the RKKMS (INTUC) Union that the case No. CGIT/LC/R/44/2000 pending before the Hon’ble CGIT is hereby withdrawn as there is no much merit in the case.

(ii) It is also mutually agreed by both the parties to file this settlement before the Hon’ble Court for giving consent award in a form of “No Dispute Award”.

(iii) This is full and final settlement in respect of the employee concerned. RKKMS (INTUC) will not raise any dispute in regard to this settlement at any level statutory or non-statutory, judicial or non-judicial.”

The above terms and conditions of the settlement deed are just, fair and lawful. I therefore record my award in terms of settlement arrived at between the parties and make no order as to costs.

3. The Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोदावरीखानी (संदर्भ संख्या 26/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22013/1/2005-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

S.O. 1537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2004) of the Industrial Tribunal-cum-Labour Court, Godavarikhani as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 24-3-2005.

[No. L-22013/1/2005-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

#### PRESENT :

Smt. K. Suvarchala, M. A., B. L., Chairman-cum-Presiding Officer.

Thursday, the 10th Day of February, 2005

#### Industrial Dispute No. 26 of 2004

#### BETWEEN :

B. Swamy, S/o Devaiah.  
35 Yrs., Ex-Coal Filler.  
E. C. No. 0900802.  
R/o ST 2-317,  
Bus Stand Colony.  
Godavarikhani.  
Dist. Karimnagar. A. P.

... Petitioner

#### And

(1) The Chief General Manager.  
Singareni Collieries Co. Ltd..  
Ramagundam Area-I.  
Godavarikhani.  
Dist. Karimnagar. A. P.

(2) The Superintendent of Mines.  
GDK No. 7 (LE) Project.  
Godavarikhani.  
Dist. Karimnagar. A. P.

... Respondents

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri D. Krishna Murthy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

#### AWARD

1. The petitioner filed the petition to set-aside the dismissal order dt. 25-8-98 passed by the 1st respondent and to direct the respondents' company to reinstate the petitioner into service with continuity of service and all other attendant benefits including full back-wages.

2. The averments of the petition are as follows :—

The petitioner was appointed as Badli Filler on 9-3-89 under rehabilitation, in place of his father. He was promoted as Coal Filler on 1-9-95 and was confirmed on 1-7-96. In the year, 1997 when the petitioner was working under the control of the 2nd respondent, he could not attend to his duties regularly, due to severe ill health, domestic problems, namely dowry case, divorce petition, physical and mental depression. The 2nd respondent issued charge sheet dt. 15-1-98, for putting 38 musters. The following charges was framed.

“Habitual Late attendance and habitual absence without leave or without sufficient cause”.

The 1st respondent conducted a formal enquiry and without issuing any show cause notice, without calling for his remarks on the enquiry report, passed order dt. 25-8-98, dismissing the petitioner from service, when the petitioner was working under the respondents and



putting-up 112 musters upto 14-09-98. The domestic enquiry was not conducted fairly and properly. Sufficient opportunity was not given to the petitioner to defend himself. The entire procs. were recorded in English language. The findings of the enquiry officer are perverse and biased. Since the date of his appointment on 9-3-89, the petitioner put-up with best attendance, as follows :—

1. 1989	—	233 days.
2. 1990	—	241 days.
3. 1991-92	—	218 days.
4. 1992-93	—	357 days.
5. 1993-94	—	315 days.
6. 1994-95	—	187 days.
7. 1996	—	100 days.
8. 1997	—	38 days.
9. 1998	—	112 days upto 14-9-98.

The respondents failed to afford 3 months observation period and family counselling. He improved his attendance and worked for more than the minimum 100 musters during the year, 1998 also. As such, the respondents should not have imposed the capital punishment of dismissal from service. The punishment is highly arbitrary and chockingly disproportionate to the alleged charge. Therefore, he filed the petition for the above said relief.

3. To this, the 2nd respondent filed the counter denying the averments of the petition. The 1st respondent filed memo adopting the counter filed by the 2nd respondent. The contents of the counter as follows :—

The Coal Mining Industry is a Central Government subject and the appropriate Government is Central Government. The Central Government established an Industrial Tribunal cum Labour Court at Hyderabad from 29-12-2000. The petitioner ought to have approached the Tribunal. Therefore, the petition is not maintainable under law, before this Court.

The petitioner was appointed as Badli Filler on 9-3-1989, under dependant employment scheme. He was confirmed as coal filler from 1-9-95. The petitioner was absent from duty without prior permission, sanctioned leave and had put-in only 38 days of attendance during 1997. He was issued with charge sheet dt. 15-1-98 under clause No. 25.25 of the approved Standing Orders. The petitioner submitted his explanation on 21-1-98 which was not satisfactory. Domestic enquiry was conducted. The petitioner participated in the enquiry. During the enquiry proceedings, he pleaded guilty of charges and did not choose the help of any one. He did not choose to

cross-examine the management witnesses. He worked for 157 days in 1994, 145 days in 1995, 100 days in 1996, 38 days in 1997 and 112 days in 1998. The petitioner should have applied leave and settled his family problems, instead of absenting for his duties un-authorisedly. Copy of the enquiry report was sent to the petitioner alongwith show-cause notice dt. 13-7-98, with an advise to represent all the findings of the enquiry officer. The petitioner submitted his representation on 1-8-1998. The charges levelled against the petitioner were proved and as his attendance in the previous years was not so better, his services were terminated w.e.f. 14-9-98. The respondent's company strictly followed the principles of natural justice and did not violate any rules. Hence, the petition may be dismissed.

4. On behalf of the petitioner, Ex. W-1 to E. W-5 are marked.

On behalf of the respondent, Ex. M-1 to Ex. M-10 are marked.

5. Heard both sides.

6. The petitioner worked as coal filler in the respondents company. Charge was framed against him for his unauthorised absence. On the basis of the findings given by the enquiry officer, the petitioner was dismissed from service.

The 1st and foremost defence put-forth by the respondents company is that this Court has no jurisdiction to adjudicate the present dispute raised by the petitioner, stating that the respondents company is a Central Government organisation.

7. The point for consideration is whether this court is having jurisdiction over the dispute or not ?

8. The Advocate for the petitioner argued that Sec. 2-A(2) is applicable to the workman working in Coal Industry also and this petition is maintainable before this court. While arguing so, he cited I. L. Naidu and others Vs. Union of India and others reported in 2003 (2) ALT-470. Their Lordships held :—

“the contention that Sec. 2-A(2) of I. D. Act, is not applicable to a Government of India undertaking is wholly mis-conceived. In view of the provisions of Art. 254(2) of the Constitution, the provisions of Sec. 2-A(2) incorporated by A. P. Amendment Act, 32/87 are valid and operative. It is not limited to the “State Industries” as contended by the Petitioner. The State Legislature was competent to enact the entirety of the Industrial Disputes Act, for its operation within the territory of A. P. The provisions of Sec. 2-A(2) having received the assent of the President, the workman of Central Government Industry also can raise the dispute U/Sec. 2-A(2) of the I. D. Act. Therefore,

the contention of the respondents' company that Sec. 2-A(2) is not applicable to the Petitioner, is without merit or force".

In the light of the above decision, it is quite clear that the petitioner can raise the dispute U/Sec. 2-A(2) of I. D. Act, though he worked in the coal mine. Hence, the point is answered in favour of the petitioner.

9. The petitioner agitating before the Court that the domestic enquiry conducted by the respondent's company is not fair, no show cause notice was issued to him, he was not given any chance to cross-examine the witnesses and the entire proceedings were recorded in English language.

To this, the respondent stated that the domestic enquiry was conducted fairly and properly and the petitioner participated in the enquiry. He refused to take the assistance of his co-worker.

The charge sheet is marked as Ex. M-1. The petitioner had given reply to the charge sheet under Ex. M-2. In that, he admitted his offence by stating that the circumstances forced him to remain absent. He became sick and he offered his willingness that he will perform his duties regularly.

The enquiry proceedings are marked as Ex. M-5. The procds. clearly show that before conducting enquiry, the contents of the chargesheet and the procedure of the enquiry were explained to him. This shows that the proceedings of enquiry were clearly explained to the petitioner and he participated in the enquiry. Thus, the point raised by the petitioner that the enquiry procds. were recorded in English language which is an unknown language to him, is far from truth.

10. In his statement, the petitioner clearly stated that he does not want to take any help of a co-worker in conducting his defence. He stated that he himself will conduct his defence. It is clearly stated in the enquiry procds., that the evidence given by the witness was read-over and explained to the petitioner. There is no cross-examination done by the petitioner to the witness when he stated the period of absence out of the petitioner on the basis of the registers. The petitioner clearly stated that he was absent to the duties, due to personal problems. He further admitted that he did not apply any leave.

11. The show-cause notice is marked as Ex. M-7. To that the petitioner submitted his representation under Ex. M-8.

12. Now the petitioner is saying that he was not given any opportunity to participate in the enquiry. It is a false statement which a person living in the society cannot afford to say like that.

The attendance shown in the petition was also not tallying with the number of days shown in the counter.

The total facts put by the petitioner are a colourful venture to attract the sympathy. The only truth spoken by the petitioner is that his wife divorced him and he has to face a maintenance case filed by his wife, in the court during that year. He made the same appeal before the enquiry officer also, while admitting that he was absent to his duties.

13. Taking into consideration the personal disturbance of the petitioner, I feel that a lesser punishment will meet the ends of justice.

In the result, the petition is partly allowed setting-aside the dismissal order. The respondent's company is directed to reinstate the petitioner into service as Badli Filler, as a Fresh Candidate. He shall be put under observation for one year. If he repeats the same, the respondents' company is at liberty to take action against the petitioner. There shall be no order as to costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, the 10th day of February, 2005.

Smt. K. SUVARCHALA, Chairman-cum-  
Presiding Officer

### Appendix of Evidence

#### Witnesses Examined

For Workman	:	—Nil—
For Management	:	—Nil—

#### Exhibits

##### For Workman :

Ex. W-1	Dtd. 12-9-98	Dismissal Order. Xerox copy.
Ex. W-2	Dtd. 25-8-98	Lr. issued to petitioner by the respondent colliery Manager. R. G-1. X-copy.
Ex. W-3	Dtd. 11-3-99	True copy of order in O. P. No. 6/99. X-copy.
Ex. W-4	Dtd. 21-12-98	True copy order in MC. No. 270/1996. X-copy.
Ex. W-5	Dtd. 22-4-99	True copy of order in C. C. No. 975/96.

##### For Management :

Ex. M-1	Dtd. 15-1-98	Charge sheet
Ex. M-2	Dtd. 21-1-98	Reply to Charge sheet
Ex. M-3	Dtd. 27-1-98	Appointment Lr. of enquiry officer
Ex. M-4	Dtd. 3/17-2-98	Enquiry notice

Ex. M-5	Dtd. 23-2-98	Enquiry proceedings.
Ex. M-6	Dtd. 31-5-98	Enquiry report.
Ex. M-7	Dtd. 1/13-7-98	Show cause notice.
Ex. M-8	Dtd. 1-8-98	Representation petitioner with enclosures.
Ex. M-9	Dtd. 25-8-98	Dismissal lr. issued to the 10-9-98 petitioner.
Ex. M-10	Dtd. 12-9-98	Memo issued by Supdt. of Mines. GDK 7 (LE) Project.

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1538.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/121/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/12/92-आई. आर. (सी.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1538.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/121/91) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-03-2005.

[No. L-22012/12/92-IR (C-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/121/91

SHRI C. M. SINGH : Presiding Officer

The General Secretary,  
Koyla Mazdoor Sabha (UTUC),  
Sohagpur Area,  
PO Dhanpuri,  
Distt. Shahdol . . . Union/Workman

*versus*

The Sub Area Manager,  
Burhar Sub Area,  
PO Dhanpuri,  
Distt. Shahdol . . . Management

#### AWARD

Passed on this 18th day of March, 2005

The Government of India, Ministry of Labour vide its Notification No. L-22012/12/92-IR(C.II) dated 17-6-92 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Burhar Sub Area of SECL, PO Dhanpuri, Distt. Shahdol in dismissing Shri Doodhnath, S/o Dupai, Piece Rate Loader, T No. 2128, Burhar No. 1 Mine from Company's service w.e.f. 24-2-88 is legal and justified ? If not, to what relief the workman is entitled to ?”

2. After the reference order was received, it was duly registered on 24-6-92 and notices were issued to the parties. The order sheet reveals that the statement of claim was filed on behalf of workman on 18-11-94. The workman remained represented by authorised representatives for few days fixed in the case and thereafter he absented himself on several dates fixed in the case. Notice was issued to the workman/Union by registered AD post. In spite of sufficient service of notice the workman/Union failed to put in appearance. It clearly indicates that the workman has no interest in prosecuting this reference.

3. Under the above circumstances, No dispute Award is passed without any order as to costs.

4. Copy of the award be Passed without any order as to costs.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1539.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/92/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/479/94-आई. आर. (सी.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1539.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. CGIT/LC/R/92/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-03-2005

[No. L-22012/479/94-IR (C-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/92/95

SHRI C. M. SINGH : Presiding Officer

The President,

M. P. Koyla Mazdoor Sabha (HMS).

Navin Nagar, Post Amlai colliery.

Distt. Shahdol (MP) . . . Union/workman

*Versus*

The Sub Area Manager,

Chachai and Rungta Group of Mines.

SECL, Post Amlai Colliery.

Distt. Shahdol . . . Management

#### AWARD

Passed on 09-03-2005

The Government of India, Ministry of Labour vide its Notification No. L-22012/11/94-IR (C-II) dated 25-5-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Chachai Rungta Sub Area of SECL Sohagpur Area in not making payment of security guards wages to Shri Jainath, Srikant and Shri Gurudayal since 1985 and paying them wages of Category I General Mazdoor only is legal and justified ? If not, to what relief the workmen concerned are entitled to ?”

2. After the reference order was received, it was duly registered on 5-6-95 and notices were issued to the parties. The record reveals that inspite of sufficient service of notice on the workmen/Union, they failed to put in appearance and to file the statement of claim. It clearly indicates that the workmen/Union have no interest in the case and they do not want to prosecute this case.

3. Under the above circumstances, No dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंध में निर्यातों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/138/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/211/94-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

S.O. 1540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/138/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-03-2005

[No. L-22012/211/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/138/96

SHRI C. M. SINGH : Presiding Officer

Shri Pitamber, S/o Meghai Choudhery.

Gram & Post : Fulmola Senara.

Distt. Shahdol (M. P.) . . . Union/workman

*Versus*

The Sub Area Manager.

Ram Nagar Area of SECL.

Post Jhmar Colliery.

Distt. Shahdol (M. P.) . . . Management

#### AWARD

Passed on this 18th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012 (211) 94-IR (C-II) dated 7-6-96 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Ram Nagar Sub Area of SECL in not reinstating Shri Pitamber Choudhery S/o Meghai Choudhery in services is legal and justified ? If not, what relief the workman concerned is entitled to ?

2. After the reference order was received, it was duly registered on 14-6-96. The order sheet reveals that on a few dates in the case, the workman remained

represented by his authorised representative and thereafter he absented himself on several dates fixed in the case. Fresh notice was issued to the workman by registered post which was received back with the endorsement of postal endorsement that the address of the addressee is not completely given on the envelope. I perused the reference order. The same address is written on the postal envelope which is mentioned in the reference order. As stated above, this reference was registered on 14-6-96 and since then the workman did not care to put in appearance or to file statement of claim. It clearly indicates that the workman has no interest in prosecuting this case.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/50/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/510/94-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

S.O. 1541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/50/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-03-2005

[No. L-22012/510/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/50/95

SHRI C. M. SINGH : Presiding Officer

The Secretary,

Koyla Mazdoor Sabha (UTUC),

Post Kotma, Loosai camp,

Distt. Shahdol.

... Union/Workman

Versus

The General Manager,  
Jamuna and Kotma Area,  
SECL, Post Jamuna colliery,  
Distt. Shahdol.

... Management

#### AWARD

Passed on this 18th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012 (510) 94-IR (C-II) dated 2-3-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Supd. of Mines/Manager Govinda Colliery of Jamuna & Kotma Areas of SECL in dismissing Shri Ratan Singh S/o Beer Singh, General Mazdoor Cat. I, T. No. 2860 Govinda Colliery from colliery services w.e.f. 1-4-91 is legal and justified? If not to what relief is the concerned workman entitled to?”

2. After the reference order was received, it was duly registered on 13-3-95 and notices were issued to the parties. On a few dates fixed in the case, the workman remained represented by his authorised representative. Thereafter on several dates fixed in the case, he absented himself. Again notice was issued to him by registered post which was received back unserved with the endorsement of postal department that the addressee does not reside at the given address. As stated earlier, this reference was registered on 13-3-95. The order sheet reveals that the workman did not care to put in appearance since 8-7-96. He did not care to intimate this court the change of his address, if any. The circumstances itself indicates that the workman has no interest in this case and does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/124/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/353/1997-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1542.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/124/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workmen, received by the Central Government on 24-03-2005.

[No. L-22012/353/1997-IR (CM-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/124/98

Presiding Officer : SHRI C. M. SINGH

The Branch Secretary, M. P. K. S. S (HMS)  
Qr. No. B/44, Ompur, PO Rajgamar Colliery,  
Distt. Bilaspur (M.P.) . . . Union/Workman

*Versus*

The Sub Area Manager,  
SECL, Rajgamar Colliery, PO Rajgamar,  
Distt. Bilaspur (M.P.) . . . Management

#### AWARD

Passed on 10th March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/353/97/IR (CM-II) dated 22-5-98 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Rajgamar Colliery, in transferring Shri Ganpat, Gen. Maz. Cat. I, S/o Kanhaya from surface duty to U/G duty in Rajgamar colliery is justified? If not, to what relief the workman is entitled?”

2. After the reference order was received, it was duly registered on 3-7-98 and notices were issued to the parties. The order sheet dated 17-2-2005 reveals that notice issued to the Workman/Union was received back unserved with the endorsement of postal department that the addressee does not reside at the given address. As mentioned above, this reference order was registered on 3-7-98 and since then, 13 dates were fixed in the case but no body appeared on behalf of Workman/Union. The record further reveals that no body cared to intimate this court, the change of address of workman/Union. The above facts and circumstances clearly indicate that the workman/Union has no interest in the case and does not want to prosecute this reference.

3. In view of the above, No Dispute Award is passed without any order as to costs.

4. The Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1543.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, डब्लू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/189/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/221/1998-आई. आर. (सी.एम.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1543.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/189/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of WCL and their workmen, received by the Central Government on 24-03-2005.

[No. L-22012/221/1998-IR (CM-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/189/99

PRESIDING OFFICER : SHRI C. M. SINGH

The President,  
Rashtriya Koyla Khadan Mazdoor Sangh  
(INTUC)  
PO Chandametta,  
Distt. Chhindwara (M.P.) . . . Union/workmen

*Versus*

The General Manager,  
Nandan Coal Washery, WCL,  
PO Damua,  
Distt. Chhindwara (M.P.) . . . Management

#### AWARD

Passed on 10th March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/221/98/IR (CM-II)

dated 4-5-99 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Nandan Washery of WCL, Chhindwara (M.P.) in giving two punishments to Shri Mahesh S/o Hari, General Mazdoor and Laxman S/o Teji, Welder and not promoting them is justified ? if not what relief the workmen are entitled to ?”

2. After the reference order was received, it was duly registered on 14-6-99, and notices were issued to the parties. It was at the stage of filing the statement of claim by workmen. On 17-2-05 the date fixed in the case, an application bearing Paper No. 7 along with Memorandum of Settlement was filed whereby the management prayed to pass the award in terms of settlement. This settlement deed was duly verified in my presence by the learned counsel for the parties. I have gone through the terms of settlement which are as follows :—

- (i) At first it is mutually agreed that the concerned Union, Shri Mahesh S/o Hari & Shri Laxman, S/o Teji together shall withdraw aforesaid case No. CGIT/LC/R/89/99. Neither the employees concerned nor the Union concerned shall raise dispute in future individually or jointly in any forum.
- (ii) It is further mutually agreed by the management and Union concerned that Shri Mahesh S/o Hari, Mechanical fitter helper, cat. II (second) will be regularised at Asstt. Vulcaniser, Cat IV (fourth) w.e.f. 2-8-2004. Shri Laxman S/o Teji has already been promoted. So, no further right of promotion arrives to Shri Laxman S/o Teji by virtue of this settlement.
- (iii) It is full and final settlement in case of Shri Mahesh S/o Hari & Laxman S/o Teji.
- (iv) Neither the Union nor the workmen concerned shall quote this as a precedent in any other case.
- (v) Financial benefit if any arises due to this settlement, will be given only from the date of regularisation only.

The learned counsels for the parties prayed that Award be passed in terms of settlement.

3. I perused the above terms of settlement. The terms are just, fair and lawful. I therefore record this award in terms of settlement arrived at between the parties and make no order as to costs.

4. The Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

का. आ. 1544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधर्तृ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/237/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/114/93-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

S.O. 1544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/237/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workman, which was received by the Central Government on 24-03-2005

[No. L-22012/114/93-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/237/93

PRESIDING OFFICER : SHRI C. M. SINGH

The General Secretary,  
MP Koyla Mazdoor Sabha (HMS),  
PO South Jhagrakhand Colliery,  
Distt. Surguja (M.P.) ... Workman/Union

*Versus*

The Dy. General Manager/Sub Area Manager,  
West Jhagrakhand Sub Area,  
PO West Jhagrakhand Colliery,  
Distt. Surguja (M.P.) ... Management

#### AWARD

Passed on, 10th March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/114/93/IR (B.II) dated 12-11-93 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Dy. General Manager, West Jhagrakhand Sub Area of Hasdeo Area of SECL in withdrawing payment of underground allowance to 57 workers working in Coal Handling Plant Tunnel, West Jhagrakhand Colliery is legal and justified ? If not, to what relief these workmen are entitled to ?”

2. After the reference order was received, it was duly registered on 17-11-93 and notices were issued to the parties. 17-2-2005 was the date fixed in the reference

for admission and denial of the documents by the parties and evidence of workman but on the said date none of the parties turned up. No evidence was adduced on behalf of the workman. The ordersheet of the reference indicate that on several dates fixed in the case, the workman absented himself. The above circumstances clearly indicate that the workman has lost interest in the case and does not want to prosecute it.

3. Since the workman has lost interest in the case and does not want to prosecute this reference. No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India. Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1545.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/309/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/185/97-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March. 2005

**S.O. 1545.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/309/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure. in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-3-2005

[No. L-22012/185/97-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**NO. CGIT/LC/R/309/97**

SHRI C. M. SINGH : Presiding Officer

The General Secretary,  
M.P. Koyla Khan Loader and Mazdoor Sangh,  
Sohagpur Area,  
Dhanpuri No. 1,  
Post Dhanpuri,  
Distt. Shahdol (M.P.)

... Union/workmen

*Versus*

The General Manager.  
Sohagpur Area of SECL,  
Post Dhanpuri, Distt. Shahdol (MP),

The Chief General Manager.  
Hasdeo Area of SECL,  
South Jhagrakhand Colliery,  
Distt. Surguja

... Managements

#### AWARD

Passed on this 14th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/185/97/IR (C.II) dated 12-11-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Hasdeo & Sohagpur Area of SECL in dismissing the eight workers from services w.e.f. 30-8-96 is legal and justified ? If not, to what relief are the workmen entitled and from which date ?”

2. After the reference order was received, it was duly registered on 24-11-97 and notices were issued to the parties. Lastly the notices were issued to the workmen/Union by registered AD post. This notice was received back with the endorsement of the postal department that the addressee is not traceable. In this case, since the date of registration of the reference order, 12 dates have been fixed for filing statement of claim by workmen/Union. The workmen/Union did not care to put in appearance for filing statement of claim. The workmen/Union also failed to intimate this court, the change of their address.

3. Under the above circumstances, it is clear that the workmen/Union did not want to prosecute this reference. Therefore No Dispute Award is passed with no order as to costs.

4. The copy of the award be sent to the Government of India. Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1546.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/208/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/12/96-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी



New Delhi, the 24th March, 2005

**S.O. 1546.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/208/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workmen, received by the Central Government on 24-3-2005

[No. L-22012/12/1996-IR (C-II)]  
N. P. KESAVAN, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/R/208/96**

SHRI C. M. SINGH : Presiding Officer

The Vice President,  
M.P. Koyla Mazdoor Sabha,  
Post JKD Colliery,  
Distt. Surguja (M.P.) ... workman

*Versus*

The General Manager,  
Johilla Area, SECL,  
Post Nowrozabad Colliery,  
Distt. Shahdol (M.P.) ... Management

**AWARD**

Passed on this 14th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/12/96/IR (C.II) dated 19-11-96 has referred the following dispute for adjudication by this tribunal :—

“Whether the General Manager, Johilla Area of SECL in not providing clerk Grade III job/duties to Shri Raman Kumar, Cat. I Mazdoor Pali Project as per circular No. CIL/JBCI/IV/II/NO. 29/91/3654-80 dated 27-9-91 is legal and justified ? To what relief the workman is entitled ?”

2. After the reference order was received, it was duly registered on 26-11-96 and notices were issued to the parties. Lastly the notices was issued to the workmen by registered post. In spite of sufficient service of notice, the workman failed to appear and file his statement of claim. It appears from the above that the workman has no interest in prosecuting the reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1547.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/108/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/366/1995-आई. आर. (सी.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1547.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/108/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workmen, received by the Central Government on 24-3-2005

[No. L-22012/366/1995-IR (C-II)]  
N. P. KESAVAN, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/R/108/96**

SHRI C. M. SINGH : Presiding Officer

The Working President,  
National Colliery Workers Federation,  
Johilla Area, Post Nowrozabad Colliery,  
Distt. Shahdol (M.P.) ... Union/Workman

*Versus*

The General Manager,  
Johilla Area, SECL,  
Post Nowrozabad Colliery,  
Distt. Shahdol (M.P.) ... Management

**AWARD**

Passed on this 14th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/366/95/IR (C.II) dated 29-3-96 has referred the following dispute for adjudication by this tribunal :

“Whether the action of GM, Johilla Area of SECL in promoting 10 Grade-I clerks of General Ministerial Cadre to the post of special Grade clerk vide office order dated 21/22-2-94 is in accordance with Cadre scheme formulated by Joint bipartite Committee for Coal Industry ? To what relief the Grade I clerks of General Ministerial Cadre of Johilla Area of SECL are entitled to ?”

2. After the reference order was received, it was duly registered on 15-4-96 and notices were issued to the parties. Lastly the notices were issued to the workmen / Union by registered post. In spite of sufficient service of notice, the workmen/Union did not put in appearance and failed to file the statement of claim. It appears from the above that the workmen/Union have no interest in prosecuting this reference.

3. Under the above circumstances. No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India. Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1548.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/31/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/25/1998-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1548.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/31/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of South Eastern Coalfields Ltd. and their workmen, received by the Central Government on 24-3-2005.

[No. L-22012/25/1998-IR (CM-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/31/99

SHRI C. M. SINGH : Presiding Officer

The Secretary,

Rashtriya Koyla Khadan Mazdoor Sangh  
(INTUC)

HQ Branch, SECL.

Distt. Bilaspur (M.P.) . . . Union/Workman

*Versus*

The Chairman Cum Managing Director,  
South Eastern Coalfields Ltd. (HQ),  
Bilaspur (M.P.) . . . Management

#### AWARD

Passed on 10th March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/25/98/IR (CM. II) dated 11-12-98 has referred the following dispute for adjudication by this tribunal :

“Whether the demand of the Rashtriya Koyla Khadan Mazdoor Sangh (INTUC) Hqrs Branch Bilaspur (MP) for overtime wages at the rate of one and half times of the normal wages to the SECL Hq employees (monthly rated) at par with the rate of OT wages paid to the monthly rated employees of CIL Hq Calcutta and WCL, Hqrs. Nagpur is justified ? If not, to what relief is the workmen is entitled ?”

2. After the reference order was received, it was duly registered on 11-1-99 and notices were issued to the parties. The order sheet dated 8-5-04 reveals that on the said date, the authorised representatives of both the parties were present and date 8-7-04 was fixed for filing the statement of claim of the workmen/Union. After the aforesaid date, the workmen/Union absented themselves. Fresh notice was issued to the workmen/Union by registered AD post for filing statement of claim. In spite of sufficient service of notice on workmen/Union they failed to put in appearance and to file statement of claim. The above circumstances clearly indicate that the workmen/Union have no interest in the case and they do not want to prosecute this reference.

3. In view of the above, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India. Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2005

**का. आ. 1549.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर/28/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/410/1997-आई. आर. (सी.एम.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 24th March, 2005

**S.O. 1549.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/28/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of SECL and their workmen, which was received by the Central Government on 24-03-2005

[No. L-22012/410/1997-IR (CM-II)]  
N. P. KESAVAN, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/R/28/99**

SHRI C. M. SINGH : Presiding Officer

The Area General Secretary,  
Rashtriya Koyla Khadan Mazdoor Sangh  
(INTUC),  
C-121, Subhash Block, SECL,  
PO Korba colliery,  
Distt. Bilaspur (M.P.) . . . Union/Workman

*Versus*

The Sub Area Manager,  
SECL, Rajgamar Colliery,  
PO Rajgamar,  
Distt. Bilaspur, Bilaspur (M.P.) . . . Management

**AWARD**

Passed on 10th March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/410/97/IR (CM.II) dated 11/15-12-98 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of SECL, Rajgamar Colliery, Distt. Bilaspur (MP) in terminating the services of Shri Shankar S/o Shri Tahsilram, Ex. Loader of Rajgamar Colliery w.e.f. 6-3-91 vide order No. Raj/Dy. GM/Termination/3569-79 dated 6-3-91 is justified ? If not to what relief is the workman entitled ?”

2. After the reference order was received, it was duly registered on 11-1-99, and notices were issued to the parties. Lastly the notice was issued to the workman/Union by registered AD post for filing statement of claim. The order sheet dated 17-2-2005 reveals that inspite of sufficient service of notice, the workman/Union failed to appear and to file the statement of claim. This clearly indicates that the workman/Union has no interest in the case and does not want to prosecute the reference.

3. In view of the above, No Dispute Award is passed without any order as to costs.

4. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 28 मार्च, 2005

**का. आ. 1550.**—औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट ( संदर्भ संख्या 7(C)/2004 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2005 को प्राप्त हुआ था।

[ सं. एल-12012/23/2004-आई. आर. ( बी.-II ) ]

सी. गंगाधरण, अवर सचिव

New Delhi, the 28th March, 2005

**S.O. 1550.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 7(C)/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, PATANA (BIHAR) as shown in the Annexure, in the Industrial dispute between the management of UCO Bank and their workmen, which was received by the Central Government on 24-03-2005.

[No. L-12012/23/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

**ANNEXURE**

**BEFORE THE PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL, PATNA.**

**Reference Case No. 7 C of 2004.**

The Senior Manager, UCO Bank, Rathore Mansion, Bank More, Dhanbad (Bihar) and Sri Bijendra Singh, S/o. Shri Chathu Rai, Kurji Bujurg, Digha, P.O. Sadakat Ashram, Patna (Bihar).

For the Management : Mr. P.K. Chatterjee, A.C.O.,  
UCO Bank.

For the Workman : Sri B. Prasad, State Secretary of  
UCO Bank Employees  
Association.

Present : Pariya Saran, Presiding Officer,  
Industrial Tribunal, Patana.

**AWARD**

Patana, dated the 19th March, 2005.

By the adjudication order No. L-12012/23/2004-IR (B-II) dated 31-05-2004 the Government of India, Ministry of Labour, New Delhi has referred, under Clause(d) of sub-section(1) and sub-section(2A) of Section 10 of the

Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the management of UCO Bank, Rathore Mansion, Bank More, Dhanbad (Bihar) and their workman Sri Bijendra Singh, Kurji Bujurg, Digha, P.O. Sadakat Ashram, Patna (Bihar) for adjudication to this Tribunal :

"Whether the action of the management of UCO Bank, Dhanbad Branch in terminating Shri Bijendra Singh from the services of the Bank w.e.f. 1-6-1997 is legal and justified ? If not, what relief the disputation is entitled to ?"

2. Both parties filed their written statement and contested the reference. Worker's case, in short, is that he was orally appointed by the management of UCO Bank as temporary Driver w.e.f. 1-10-1990 and was instructed to drive Bank's Vehicle allotted to the Chief Manager, UCO Bank, Dhanbad Branch. He used to perform his duty as driver as per requirement of the management. He was initially appointed in the pay scale starting from Rs. 1230 per month. His basic pay at the time of termination was Rs. 1500. He was also given various allowances, Increments, Bonus etc. The management formulated Scheme on many occasions for regularising the services of Personal Drivers on the posts of Driver/Peon after completion of six years of effective service. Many such personal drivers were in fact regularised in the Bank in due course, but workers's prayer was not headed to when request was made by him for his absorption. He was finally terminated from service after 31-5-1997. As stated in the Written Statement there has been violation of provisions of 25F of the I.D. Act besides unfair labour practices etc. at the hands of the management and worker's termination is covered u/s. 2(oo) of the I.D. Act. In view of aforesaid averments, the worker has claimed for his reinstatement with back wages, regularisation as Driver/Peon and payment of wages due.

3. The management on the other hand has, inter alia, claimed that there never existed any relationship of master and Servant between the workman and the Management and he was not a workman in the eye of law. Management's further case is that Bank provides certain officers entitled under regulation with the facility of Bank's Car. The Bank reimburses the Petrol and Oil actually consumed, fixed cost of maintenance, and repairs etc. There is also a provision for engagement of Personal Driver on fixed charges with facility like Uniform, Shoes and ex-gratia payment etc. which is reimbursed by the Bank to the Officer concerned. In view of aforesaid facility to the Officers, the Chief Manager engaged the worker as personal driver to drive Bank's Car and he was paid the fixed amount as per circulars, which was reimbursed by the Bank to the officer concerned. The worker was not covered u/s. 2(S) of the

I.D. Act. He was never appointed orally by the Bank as temporary driver as claimed by him. On the basis of statements above, the management has prayed for answering the award against the worker.

4. Both the parties have examined their witnesses besides filing certain documents in support of their rival claims.

5. Workers has examined three witness in all including himself. Their statements suggest that the worker used to work as personal driver of Chief Manager, UCO Bank, Dhanbad and drove Bank's Car till 31-5-1997. He was being paid annual increment, Washing Allowance, Halting Allowance, Festival Advance etc. besides monthly salary. He was terminated from service without any notice. They have further stated that several persons such as Ram Niwas singh, Yaswant Singh and Kulwant Singh were absorbed in regular services who had earlier worked as personal driver like that of the worker. The worker as WW1 has admitted in his cross-examination that he was paid a consolidated amount with annual increments. WW2 Bhart yadav and WW3 Ram Niwas singh were also some times personal drivers as like the worker and finally absorbed in Bank's service on regular basis. Ext.W is appointment letter in relation to WW3. This witness says in his evidence that he took the worker to the Manager, when he desired for a driver.

6. The worker has filed some more documents to lay support to his case. These are Ext. w/1-representation of workers for his regular appointment. Ext.W/2 Bank's Circular showing revised rate of monthly payment to personal drivers. W/3-working and experience certificate issued by Chief Manager to the worker, Ext. W/4-Worker's School Transfer Certificate. Ext. W/5-Worker's application for payment of salary of leave due, Ext. W/6-Worker's registration with Employment Exchange. Ext.W/7-Worker's Pass-Book and Ext. W/8-Copy of agreement between the Management and Employees Association regarding absorption of personal drivers. In the context of this case, Ext. W/8 is of some importance as the worker claims this to be the basis of his case. He has claimed that many other personal drivers were absorbed in permanent service by the Bank in view of aforesaid agreement. This document will be taken for examination at a later stage.

7. The management has examined two witnesses. They are MW1 Sanjay Kumar Palit and MW2 Amod Kumar Singh, They both are Bank's Officers. They have stated that the worker was employed by the Chief Manager, UCO Bank, Dhanbad as personal driver for which he was entitled under Bank's Circular. Payment to the worker was made by him, which was subsequently reimbursed by the Bank. The worker had no connection with the Bank. The Chief Manager issued various working certificates to the worker (Ext. M/1-series), in

their personal capacity. The personal drivers were made various payment under Bank's Circular Ext.M/2 has also been filed by the management to show the rates of monthly payment to personal drivers. The MWs. have made it further clear during cross-examination that Bonus was not paid to the worker, rather ex-gratia payment was made to him as per Bank's circular. The management has also filed certain vouchers (Ext.M/3-series) through which payment was made to the worker on certain occasions.

8. The sum and substance of the case in view of rival contentions and evidence, both oral and documentary, led by them in this reference is that the worker was engaged as personal driver with effect from 1-10-1990 and he used to drive Car made available to the Chief Manager, Dhanbad by the Bank. It is also clear from the evidence that the worker was paid a consolidated amount and other allowances every month as provided in Exts.M/2 and W/2. All payments made to the worker were reimbursed to the Chief Manager as per Bank's Circular Ext.M.

9. Ext.M appears to be the most important place of document where under worker was engaged as personal driver by the Chief Manager, UCO Bank, Dhanbad. This document provides that certain Senior Officers are entitled for Bank's Car for their official work. It is clearly noted therein that they are expected to drive the Car themselves and will not be provided any Bank's driver in the normal circumstances, excepting for any cogent reason as mentioned in Clause 'E' and in such case, payment to personal driver so engaged shall be reimbursed to them. Ext.M thus quite emphatically mentions that Bank shall not provide any driver to the officers for the Cars given to them by the Bank. The officers instead are required to drive the Cars themselves. If for any cogent reason, they are unable to drive the Car themselves they may engaged personal drivers at their own and payment made by them to the drivers shall be reimbursed by the Bank. It is hence abundantly clear from Ext.M that Bank has to do nothing with the employment of personal drivers. Such drivers are neither employed by the Bank nor they work under its control or direction.

10. The worker although has made a statement in para (3) of his W.S. that he was orally appointment as temporary driver but there is no evidence on record to support this contention. The worker has placed much reliance on Ext.W/8. This document is an agreement between the management and the Employees Association whereunder it was agreed upon to absorb such personal drivers in Bank's service on humanitarian and compassionate grounds, who had been serving with the officers of the Bank as personal drivers as on 31-12-1988 and whose names stood mentioned in Annexure '1' of

the agreement. This appears to be one time measure adopted by the Bank on humanitarian and compassionate grounds. The Bank never intended to extend the preposition under Ext.W/8 beyond agreed date which is noted in the agreement. The worker in present case was admittedly not in service on 31-12-88. He was rather engaged with effect from 1-1-1990 as personal driver. This document is thus of no avail to the worker.

11. During course of argument learned representative of the Union placed before me the Photo copy of Hon'ble Supreme Court's Order in Civil Appeal No. 15834/2004 alongwith judgement and order of Hon'ble Guwahati High Court, in WA 465/03 and submitted that the Hon'ble Court directed in similar circumstances the management of Central Bank of India to absorb drivers employed by their Executive personnel. I must say that this case law is not at all applicable in the facts and circumstances of the case on hand. The case before Hon'ble Guwahati High Court was against non-absorption of personal drivers, who were eligible for absorption under Bank's Policy decision dated 22-6-88. The case before us can not be equated with the case of those workers who had been before Hon'ble High Court in WA-465/03.

12. The management on the other hand, placed reliance on a Judgement of Hon'ble Supreme Court reported in 1978-LIC-519. This is exactly a similarly situated case. The question for consideration before Hon'ble Apex Court was whether a Personal Driver of Area Manager of Nationalised Bank was a workman under the I.D. Act or not. The Hon'ble Apex Court held that such personal drivers engaged by Bank's Executives are not covered under Sec.2(S) of I.D. Act and there does not exist any relationship of Employer and Employee between Bank and the Personal Driver.

13. For getting a success before this Tribunal, the workman has to initially establish his relationship as worker with the Bank. His claim can not stand just on the ground that some of personal drivers got appointment in the bank. Their appointment can neither be a precedent nor any basis for upholding worker's case. He has to stand on his own. As per Section 2(S) of the Act, a workman means any person employed in any industry. For a decision on the relationship it has to be noted as to who is paymaster, who can dismiss, who has employed and who has effective control. The direction and control are governing factors to decide as to whether the worker in the present case is the employee of the Bank. The evidence adduced by the parties led before Tribunal leads to only one conclusion that the Bank provided car to the Chief Manager, UCO Bank, Dhanbad and he privately engaged a driver in view of provision contained in Ext.M. The

worker was paid his salary etc. by the Chief Manager as his employer and the sum so paid by the Manager was reimbursed by the Bank. There is nothing on record to make out a nexus between the Bank and the worker, nor there is any material before us to show that the control and direction with relation to the worker ever vested in the Bank. The evidence rather is to the contrary. This crucial point about relationship between the parties has remained unestablished. The evidence clearly indicates that the worker never worked under the directions and control of the Bank and he is not a worker as required by Sec. 2(S) of the Act. This point having gone against the worker, he is certainly not entitled to a claim of absorption or employment in the Bank. His claim is not at all tenable in the facts and circumstances of this case.

14. In the result, I find and hold in view of materials on record and discussions made above that the claim of the worker is not sustainable in the eye of law as he has not established himself as workman under Section 2(S) of the Act and the reference is misconceived. In view of above, there was no question of termination of worker's services at the hands of the management of UCO Bank, Dhanbad. In fact, the management had not to play any role nor has been concerned in any manner whatsoever in worker's engagement or disengagement at any point of time. The worker is not entitled to any relief whatsoever nor he has been able to make out any case in his favour.

15. Award accordingly.

PRIYA SARAN, Presiding Officer,

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1551.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई.सी.एल प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल (संदर्भ संख्या 5/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/422/1994-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th March, 2005

**S.O. 1551.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award (Ref. No. 5/1995) of the Central Govt. Industrial Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the Industrial dispute between the management of ECL and their workmen, received by the Central Government on 29-03-2005.

[No. L-22012/422/1994-IR (C-II)]  
N. P. KESAVAN, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

PRESENT : Sri Md. Sarfaraz Khan, Presiding Officer.

Reference No. 5 of 1995.

#### PARTIES :

The Agent, Topsi Colliery,  
M/s. ECL., P.O. Topsi,  
Distt. Burdwan (WB)

... Management.

Vrs.

Sri Arkhit Routh,  
Deployed as Line Mistry,  
Represented by Janta Colliery,  
Mazdoor Congress, Asansol.

... Workman,

#### REPRESENTATIVES :

For the Management : Sri P. Banerjee, Advocate.

For the Workman : Sri Mahendra Singh, General  
(Union) Secretary of the Union.

Industry : Coal State : West Bengal.

Dated 18-02-2005.

#### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its Order No. L-22012 (422)/94-IR.(C.II) dated 05-01-1995 has been pleased to refer the following dispute for adjudication by this Tribunal.

"Whether the action of the management of Topsi Colliery under Kunustoria Area of ECL in praying category III wages to Sh. Arkhit Routh deployed as line Mistry since 1979 to February, 1988 and thereafter reducing his basic wages from March, 88 onwards is legal and justified ? If not to what relief the concerned workman is entitled to ?"

2. After the receipt of the aforesaid order of reference summons were issued to the respective parties through the registered post and after having received the summons both the parties appeared and filed their separate sets of written statement in support of their claims.

3. From perusal of the record it transpires that the case was fixed for hearing on 1-4-1997 at the request of the union but no step was taken by the union on the date fixed. It is further clear from the record that the union left taking any steps on its behalf. In the mean time repeatedly notices were issued to the union and the A/D. after due service of the notices was also received but no

step was subsequently taken by the side of the union since 1-4-1997. The reference is pending since the year 1995 and the same could not be disposed of due to callous attitude of the union. These all facts prevailing in the record goes to show that the union has interest in this case and it is not at all advisable to keep the record pending for a long time as no purpose is to be solved.

4. As such in the prevailing facts and circumstances of the case a "No Dispute Award" is passed. Let the copies of the award be sent to the Ministry of Labour for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer.

नई दिल्ली, 29 मार्च, 2005

का. आ. 1552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, ई.सी.एल. प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण असनसोल (संदर्भ संख्या 43/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2005 को प्राप्त हुआ था।

[सं. एल-22012/486/1995-आई. आर. (सी.-II)]  
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 29th March, 2005

S.O. 1552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award (Ref. No. 43/1996) of the Central Govt. Indus. Tribunal-cum-Labour Court, ASANSOL as shown in the Annexure, in the Industrial dispute between the management of ECL and their workman, received by the Central Government on 29-03-2005.

[No. L-22012/486/1995-IR (C-II)]  
N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL.

Present : Sri Md. Sarfaraz Khan, Presiding Officer.

Reference No. 43 of 1996.

#### Parties :

The Agent, Shyamsundarpur Colliery,  
P.O. Ukhra, Distt. Burdwan. ... Management.

Vrs.

Sri Uday Guara represented by,  
Khan Shramik Congress, P.O. Ukhra,  
Distt. Burdwan. ... Workman.

#### Representatives :

For the Management : Sri P.D. Das, Advocate.

For the Workman : Sri S.D. Pandey of the Union.

Industry : Coal State : West Bengal.

Dated 17-02-2005.

#### AWARD

In exercise of the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of the Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Government of India through the Ministry of Labour vide its Order No. L-22012/486/95-I.R. (C.II) dated 26-9-96 has been pleased to refer the following dispute for adjudication by this Tribunal.

#### SCHEDULE

"Whether the action of the management of Shyamsundarpur Colliery, Bankola Area of M/s. ECL in dismissing the service of Sh. Uday Gaur is legal and justified? If not, what relief the workman is entitled to?"

2. After receipt of the order of the aforesaid reference from the Government of India through the Ministry of Labour, summons were issued to the respective parties through the registered post and in pursuance to the summons both the parties appeared through their representatives and filed their written statement in support of their respective claims.

3. It transpires from the perusal of the record that 3-6-97 was the date fixed for filing the records of enquiry proceeding by the management but no step was taken by the side of the union on the date fixed. It is further clear from the record that the record of enquiry proceeding was produced by the side of the management and the enquiry proceeding was held by the predecessor to valid and fair in absence of the union. The record further reflects that twice or thrice summons were issued to the union to appear and contest the case but unfortunately in spite of the due service of the summons, no body turned up to represent the union. These all facts and prevailing circumstances of the case go to show that the union has got no interest in this case and does not want to proceed with the proceedings. So it is not advisable to keep the record pending any more as the reference itself has become very old and pending since the year 1996. Accordingly a "No Dispute Award" is passed. Let the copy of the award be sent to the Ministry of Labour for information and needful.

MD. SARFARAZ KHAN, Presiding Officer.



नई दिल्ली, 29 मार्च, 2005

**का. आ. 1553.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या शून्य) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-03-2005 को प्राप्त हुआ था।

[सं. एल-41012/322/2003-आई. आर. (बी.-I)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1553.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Nil) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 28-03-2005.

[No. L-41012/322/2003-IR (B-I)]

B.M. DAVID, Under Secy.

#### ANNEXURE

#### CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-II, CHANDIGARH

SHRI KULDIP SINGH : Presiding Officer.

Case No. L-41012/322/2003 (IR-B-I)

Date of Institution 30-11-2004

Date of decision 23-02-2005

Ram Sukh. Khalasi,  
Jagadhari Workshop  
Northern Railway,  
Jagadhari.

*Versus*

Chief Works Manager,  
Jagadhari workshop,  
Northern Railway,  
Jagadhari.

... Respondents

Memo for workman

Mr. N.K. Jakhmi: Advocate & Respondent

#### AWARD

The workman continues to be absent. This reference was received from the Government of India, on 21st of June 2004. The endorcements made by the appropriate Government shows that the notice of the reference was given, among others, to the workman also. The reference was Registered in the Industrial Tribunal Chandigarh on 19-08-2004, on which day, Mr. R.P. Rana, Advocate appeared for the workman and sought time to file the claim

petition and authority Letter, by new date. Mr. Rana, also appeared in this Tribunal, on the receipt of this reference in this Court, but stated that he has no instructions to appear. The Tribunal took extra care and issued notice to the workman, under postal certificate on 23-12-2004. The U.P.C. was placed on the record of file of Ram Iqbal I.D. No. L-41012132512003 CIR (B-I) Date. 13-05-2004, asking him to appear in this court on 12-01-2005, which he did not do. The Tribunal waited for him and also issued fresh notice. Mr. Rana stated at bar, that the workman does not seem to be interested to prosecute this reference for the reason that he is stated to have been adjusted by the management. Non-appearance of the workman, despite repeated notice, strengthens the statement of Mr. Rana that since the workman has been adjusted, therefore, he is not coming to the Court.

On record, I do not find any evidence to show that there was an occasion for the management, of Northern Railway, to deny the post of Khalasi to the workman unjustifiedly nor there is any thing to show, that the workman had the claim for the post of Khalasi, which was denied to him. In the absence of any evidence on record, it is difficult, for this Tribunal, to find out that whether or not management, at all, denied the post of Khalasi to the workman; and that the denial was unjustified. In the circumstances the reference made by the Government is answered in the terms that the reference cannot be answered appropriately for want of evidence and therefore, it is returned with a direction that the same be filed. A copy of this Award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1554.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, चण्डीगढ़ के पंचाट (संदर्भ संख्या शून्य) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-03-2005 को प्राप्त हुआ था।

[सं. एल-41012/325/2003-आई. आर. (बी.-I)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1554.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Nil) of the Central Government Industrial Tribunal/Labour Court-II, Chandigarh now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 28-03-2005.

[No. L-41012/325/2003-IR (B-I)]

B.M. DAVID, Under Secy.



**ANNEXURE**  
**CENTRAL GOVERNMENT INDUSTRIAL**  
**TRIBUNAL-CUM-LABOUR COURT-II,**  
**CHANDIGARH**

SHRI KULDIP SINGH : Presiding Officer

CASE No. L-41012/325/2003 IR-(B-I)

Date of Institution 30-11-2004

Date of Decision 23-02-2005

Ram Iqbal Rai Khalasi,  
 Jagadhari Workshop,  
 Northern Railway,  
 Jagadhari.

...Petitioner

*Versus*

Chief Works Manager,  
 Jagadhari Workshop,  
 Northern Railway,  
 Jagadhari.

... Respondents

Memo for workman

Mr. N.K. Jakhmi; Advocate & Respondent

**AWARD**

The workman continues to be absent. This reference was received, from the Government of India, on 21st of June 2004. The endorsements made by the appropriate Government shows that the notice of the reference was given, among others, to the workman also. The reference was Registered in the Industrial Tribunal Chandigarh on 19-08-2004, on which day, Mr. R.P. Rana, Advocate appeared for the workman and sought time to file the claim petition and authority Letter, by next date. Mr. Rana, also appeared in this Tribunal, on the receipt of this reference in this Court, but stated that he has no instruction to appear. The Tribunal took extra care and issued notice to the workman, under postal certificate on 23-12-2004. The U.P.C. placed on record. The workman was asked to appear on 12-01-2005, which he did not do. The Tribunal waited for him and also issued fresh notice. Mr. Rana stated at bar, that the workman does not seem to be interested to prosecute this reference for the reason that he is stated to have been adjusted by the management. Non-appearance of the workman, despite repeated notices, strengthens the statement of Mr. Rana that since the workman has been adjusted, therefore, he is not coming to the Court.

On record, I do not find any evidence to show that there was an occasion for the management, of Northern Railway, to deny the post of Khalasi to the workman unjustifiedly nor there is any thing to show, that the workman had the claim for the post of Khalasi, which was denied to him. In the absence of any evidence on record, it is difficult, for this Tribunal, to find out that whether or not management, at all, denied the post of

Khalasi to the workman; and that the denial was unjustified. In the circumstances the reference made by the Government is answered in the terms that the reference cannot be answered appropriately for want of evidence and therefore, it is returned with a direction that the same be filed. A copy of this Award be sent to the appropriate Government for necessary action.

KULDIP SINGH, Presiding Officer.

नई दिल्ली, 29 मार्च, 2005

का. आ. 1555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, दूरदर्शन केन्द्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई (संदर्भ संख्या 108/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2005 को प्राप्त हुआ था।

[सं. एल-42012/98/2001-आई. आर. (सी.एम.-II)]

एन.पी.केशवन, डेस्क अधिकारी

New Delhi, the 29th March, 2005

S.O. 1555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/2003) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the management of Doordarshan Kendra and their workman which was received by the Central Government on 28-03-2005.

[No. L-42012/98/2001-IR (CM-II)]

N.P. KESHAVAN, Desk Officer

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL**  
**TRIBUNAL-CUM-LABOUR COURT,**  
**CHENNAI**

Thursday the 24th February, 2005

Present : K. Jayaraman Presiding Officer

**INDUSTRIAL DISPUTE NO. 108/2003**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Doordarshan Kendra, Chennai and their workmen)

**BETWEEN**

The General Secretary,  
 Broadcasting Engineering  
 Employees Union,  
 Chennai.

... I Party/Claimant

**AND**

1. The Director, .. II Party/Management  
Doordarshan Kendra,  
Chennai.
2. The Chief Executive Officer,  
Doordarshan Kendra, New Delhi.
3. The Executive Director (Strategic Branch)  
Prasar Bharati, New Delhi.

#### APPEARANCE :

For the Claimant : M/s. V. Prakash, Advocates

For the Management : Mr. M. Venkateswaram, ACGSC

#### AWARD

The Central Government, Ministry of Labour vide Order No. L-42012/98/2001-IR (CM-II) dated 17-06-2003 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :

“Whether the decision of the management of Doordarshan Kendra, Chennai for surrender of posts and redeployment/relieving of employees is legal and justified ? If not, to what relief the concerned workmen are entitled to ?”

2. After the receipt of the reference, it was taken on file as I.D. No. 108/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :

The Doordarshan Kendra, Chennai was commenced in the year 1975 and the staff strength in March, 1994 was :

1. Senior Engineering Assistant	— 45
2. Engineering Assistant	— 70
3. Senior Technician	— 21
4. Technician	— 26
5. Helper	— 42
6. Khalasi	— 08

When the dispute was raised in the year 1999, the number of Senior Engineering Assistants were reduced to 30, Engineering Assistants to 51, Technician to 20, Helper and Khalasi to 11. While the strength reduced the hours of transmission and work load increased substantially. The Doordarshan Kendra, Chennai commenced operation on 15-8-75 and at that time the broadcast was only in the evening. Subsequently, it was increased periodically and during the year 1980 to 1990 national programs started and Doordarshan Kendra started colour transmission and it covered the entire Chennai city and State. The satellite regional language service channel commenced on 18-10-83 and on 14-11-95,

one more transmitter DD3 service was started. Subsequently, Prasar Bharati Corporation took over the All India Radio and Doordarshan on 15-9-97 and 24 hours satellite channel was introduced. Now the Respondent/Management is an autonomous corporation. The number of transmission hours was increased due to tremendous expansion of television programme and therefore, transmission hours have increased manifold times during these years. The total number of hours of transmission is 584.9 hours. While so, the Ministry of Information and Broadcasting by its letter dated 15-2-96 and with continuation letter dated 28-2-95 and 24-5-95 reduced the non-gazetted posts of Senior Engineering Assistants by 10, Engineering Assistants by 6 without any basis. After the reduction of posts, on 8-9-2000 the Senior Engineering Assistants has come to 30, Engineering Assistants-51, Senior Technician-24, Technician-20 and Helper & Khalasi-37. Due to the expansion, staff strength is not sufficient to handle the programme production, transmission O.B. coverage etc. and due to this the Superintendent Engineer of Doordarshan Kendra, Chennai has demanded an increase in staff strength and submitted requirement of engineering staff of Doordarshan Kendra under letter dated 10-3-97. After the revision of pay scale of Engineering Assistants and Senior Engineering Assistants, the overtime component is totally removed due to non-eligibility as per CCS rules. Without considering the additional work Prasar Bharati Corporation management all of a sudden issued adhoc norms for the reduction of staff for subordinate engineering staff and issued re-deployment order dated 4-4-2000. Thus, the management redeployed the employees in television relay centres and the Television relay centres are functioning as auxiliary centres for the regional Doordarshan Kendra. More than 64 T.V. relay centres are functioning under the Doordarshan Kendra, Chennai. The sanctioned staff for T.V. relay centre as per Staff inspection unit norms are :

Assistant Engineer	— 1
Senior Engineering Assistant	— 1
Engineering Assistant	— 3
Senior Technician	— 1
Technician	— 3
Helper	— 2

But the above staff strength was revised by Prasar Bharati Corporation as per order dated 11-8-98 namely :

Assistant Engineer	— 1
Senior Engineering Assistant	— 1
Engineering Assistant	— 2
Senior Technician	— 1
Technician	— 2
Helper	— 1

Also the Respondent/Management reduced the staff strength in high power transmitters and metro high power transmitters etc. After this re-deployment the workload of the employees increased double fold due to reduction of employees. Even the T.V. relay centres are functioning with five or eight staff whereas the work load has increased manifold times. Therefore, the impugned reduction is arbitrary without any rationale or scientific study and also in violation of Article 14 of Constitution of India and reduction and re-deployment is unjust and unfair and unreasonable. Hence the Petitioner Union prays to restore the strength of various cadres namely posts of Senior Engineering Assistant, Engineering Assistant, Senior Technician, Technician, Helper & Khalasi.

4. As against this, the 1st Respondent which has filed counter statement, which was adopted by all other Respondents, wherein, it is alleged that the Petitioner Union is not a recognised staff association by the department, therefore, it cannot sustain this claim petition. The Petitioner's statement with regard to figures mentioned in para 5 are incorrect as much as the strength of Senior Engineering Assistants and Khalasi have been mentioned as 45 and 8 respectively but the actual figure is 44 and 5 respectively. Actually 91 posts relating to Engineering, Programme. News and administration cadres were abolished in pursuance of Govt. policy of 1993 vide Ministry of Finance order dated 3-5-93 to effect economy on Govt. expenditure on the establishments. In view of the need for adopting austerity measures for curtailing expenditure, Govt. issued instructions vide order dated 3-5-93 to all Ministries/departments for abolition of posts which have been lying vacant for over a period of one year. Therefore, the applicants have not been singled out for any discrimination in any way. Further, the increase/decrease in transmission hours is decided as a policy matter taking into account amongst various factors or like public popularity, public demand, national importance, viewers opinion etc. Further the introduction of satellite channels is not the phenomenon for Chennai alone. The Govt. after acquiring the satellite facility decided to give satellite service for the benefit of public particularly those who are residing outside their home State, to get the programme of their language. Though, the AIR and Doordarshan Kendra have become Corporation under Prasar Bharati in 1997, the staff working in Prasar Bharati are still Govt. servants on deemed deputation and governed by CCS rules and are yet to be absorbed by new Corporation Prasar Bharati. In the over all situation the management had ensured that subordinate engineering staff do not perform more than their expected normal duty hours and do assigned duties, which are primarily theirs. If any staff is retained beyond his duty hours on rare occasions, he/she is compensated by overtime allowance/compensatory off as per their

entitlement fixed by Govt. With the advent of modern technology and development in the electronic media, requirement of manpower is to be rationalized and utilised places as per exigencies. However, the department is to take every care to see the welfare of employees and accordingly, action is being taken to protect their rights in consultation with the recognised associations of Engineering discipline. It is also false to state that after revision of pay scale of Engineering Assistants and Senior Engineering Assistants, the overtime component was completely removed. The Ministry of Finance has taken the study of staffing norms for review of staff strength in Doordarshan installations and has since submitted its report in 2002 in respect of High Power Transmitters/Low Power Transmitter and DMCs and in respect of Doordarshan Kendra in 2003. On the basis of recommendation of SIU the staff has been worked out and proposal sent to Ministry of Information & Broadcasting for implementation of SIU recommendations. The proposal for creation and abolition as per SIU norms are pending for Govt. approval. The actual strength of Engineering Staff of DDK, Chennai as on 31-3-2000 is :

Senior Engineering Assistant	- 35
Engineering Assistant	- 64
Senior Technician	- 24
Technician	- 23
Helper	- 33
Khalasi	- 4

The Petitioner is trying to mislead the Tribunal. The order dated 11-8-98 revising the staff strength of Engineering cadres at HPTs/LPTs/DMCs was kept in abeyance till further orders as per order dated 18-9-98. Further, the earlier case on the same issue filed by the office bearers of Petitioner Union in W.P. No. 18119 of 1998 in the name of AIR and DDEA's association was dismissed by High Court vide order dated 12-3-03. After the issue of Office Memo dated 3-5-93 by the Ministry of Finance, the Respondent department has not reduced the staff strength nor surrendered any post. The department has only re-arranged the existing staff strength according to exigencies in the place of need, due to development in technology. Transfer of staff from one station to another are effected after completion of their tenure period and none of the staff has been declared/rendered surplus and they are only readjusted in place of need as per exigencies. Hence, the Respondent prays that this claim is to be dismissed as not maintainable before this Tribunal.

5. Again, the Petitioner in its rejoinder contended that the Petitioner Union is registered under Trade Union Act while the other associations are registered under Societies Act and they have no locus standi for raising

disputes as per I.D. Act. The staff working in Prasar Bharati are workmen within the meaning of Section 2(s) of the Act, as their main duties and responsibilities are technical in nature. No notice under section 9A has been issued for any re-adjustment or re-deployment. Therefore, the non-compliance of provisions of I.D. Act is fatal. The Petitioner union has vehemently denied that modern technology has been introduced and that it helped to reduce the staff. It is also not true to say that subordinate engineering staff do not perform more than their expected normal duty hours. It is also denied that staff strength has not been surrendered or declared surplus, but only re-adjusted. Hence, for all these reasons, the Petitioner Union prays that an award may be passed in their favour.

6. In these circumstances, the points for my consideration are :

- (i) "Whether there is any decision of the Respondent/management for surrender of posts ?"
- (ii) If so, whether such decision of surrender of posts and re-deployment/relieving of employees is legal and justified ?
- (iii) "To what relief, the petitioner is entitled ?"

**Point Nos. 1 & 2 :**

7. In this case on behalf of the Petitioner it is contended that Doordarshan Kendra namely the Respondent/management was commenced its transmission at Chennai in the year 1975 and the staff strength in March, 1994 was namely :—

1. Senior Engineering Assistant	— 45
2. Engineering Assistant	— 70
3. Senior Technician	— 21
4. Technician	— 26
5. Helper	— 42
6. Khalasi	— 08

and during the industrial dispute raised on 23-12-99 the number of Senior Engineering Assistants were reduced to 30, Engineering Assistants to 51, Technician to 20, Helper and khalsi to 11 and while the sanctioned strength was reduced, the hours of transmission and work load increased substantially and now after the introduction of Satellite Regional Language Service and also 24 hours transmission, the total number of hours of transmission is 584.9 hours and after the letters dated 28-2-95 & 24-5-95 and 15-2-96, the Ministry of Information & Broadcasting has reduced the Senior Engineering Assistants to 10 and Engineering Assistants to 6 without any basis. Therefore, due to the tremendous expansion in the transmission, the staff strength is not sufficient to

handle the programme, production, transmission, OB coverage etc. and therefore, it is a violation of Section 9A and the Doordarshan Kendra has no power to change this without issuing notice under section 9A of the Act. Though the Respondent has contended even though the AIR and Doordarshan Kendra have become Corporation in 1997 the staff working in Prasar Bharati are still Govt. servants on deemed deputation and governed by CCS rules and yet to be absorbed in the new Corporation of Prasar Bharati. It is false to allege that Corporation has not absorbed the members of the Petitioner Union and others and it is made only to contend that the members of the Petitioner Union cannot claim the benefits under section 9A and it is the further contention of the learned counsel for the Petitioner that when the General Secretary of the Petitioner Union was examined as WW1 and when he has stated that the work load has increased manifold by tremendous expansion of the Doordarshan Kendra transmission by introducing 24 hours programme from 1-1-2000 it was not cross examined by the Respondent side that the work has not been increased and therefore, it is an admitted fact that the work load of the members of the Petitioner Union has been increased and this increase has been made by Doordarshan Kendra and they have not appointed any additional staff members and on the other hand, they have reduced the strength of the members working in Doordarshan Kendra and therefore, it is not valid in law. It is the further contention of the learned counsel for the Petitioner that under section 9A of the Industrial Disputes Act, no employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in 4th schedule shall effect such change, without giving a notice and the 4th Schedule mention conditions of service for change of which notice is to be given, wherein Entry 11 says—any increase or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, not occasioned by circumstances over which the employer has no control. In this case, the reduction has been made by Doordarshan Kendra namely Prasar Bharati Corporation without issuing notice under section 9A with regard to change in conditions of service and under such circumstances, it is not maintainable and therefore, an award is to be passed that reduction made by the Prasar Bharati as illegal.

8. As against this, the learned counsel for the Respondent contend that even before the Central Administrative Tribunal one Mr. D. Devaraj and 9 others who are working in Prasar Bharati have questioned their transfer by their cadre controlling authority in Prasar Bharati to other stations and even though the Central Administrative Tribunal allowed their applications, in appeal before the High Court, the High Court has held that the Petitioners cannot question the transfer or

redeployment of staff working in Prasar Bharati Corporation and further, the Respondent/Management has never stated the work load of the employees of Prasar Bharati Corporation has been increased by manifold on the other hand, it is pertinent to note that with the advent of modern technology and development in electronic media, requirement of manpower is to be rationalized and it has been reduced and therefore, manpower has been utilized in places as per exigencies and it cannot be said that work load for the members of the Petitioner Union has been increased manifold by introducing various transmissions in Doordarshan Kendra. It is further contended that though 91 posts relating to Engineering, Programme, News and administration cadre were abolished in pursuance of Govt. Policy of 1993 vide Ministry of finance Order No. 7(7)/E-Coord/1993 dated 3-5-1993 to effect economy on Govt. expenditure on the establishments and in view of the need for adopting austerity measures for curtailing expenditure, Govt. issued instructions vide order dated 3-5-93 to all Ministries/ Departments not only to Doordarshan Kendra for abolition of posts which have been lying vacant for over a period of one year and since the orders are meant for all Ministries of Government of India and were issued in pursuance of Govt. policy, the members of the petitioner Union have not been singled out for any discrimination in any way. Since it is a policy decision of the Govt. and since it was effected in the year 1993 and the members of the Petitioner Union have not raised any objection at that time and after a long lapse of time, this policy decision cannot be questioned before any forum. Further, the increase or decrease in transmission hours is decided as a policy matter taking into account amongst various factors like public popularity, public demand, national importance, viewers opinion etc. Further, the introduction of satellite channels is not the phenomenon for Chennai alone. The Govt. after acquiring the satellite facility decided to give satellite service for the benefit of public particularly, those who are residing outside their home States to get the programme of their language. Subsequent to the issue of O.M. dated 3-5-93 by Ministry of Finance, the Respondent/Management has not reduced the staff strength nor surrendered any post. The Respondent department has re-arranged the staff strength according to the exigency in place of need due to development in technology. It is further submitted by the learned counsel for the Respondent that transfer of staff from one station to another are effected only after completion of their tenure period and till date none of the staff has been declared/ rendered surplus and they are only readjusted in place of need as per exigencies and therefore, it is futile to contend that staff of Doordarshan Kendra has been reduced by the Respondent/Management. At no stretch of imagination, it can be said that staff of Prasar Bharati Corporation has been reduced by the order of Respondent/ Management, they have only re-deployed or readjusted

as per exigencies that had arisen due to circumstances. Further, since the members of the Prasar Bharati Corporation have lien on Govt. service, they cannot question the action taken by the Corporation. It is also contended on behalf of the Respondent that even before the High Court in W.P. Nos. 20051, 20068 to 20084 and 21210/2000, the Petitioners who are working in Prasar Bharti Corporation has questioned the redeployment of the Corporation, wherein the High Court has clearly stated that redeployment of staff working in the Corporation all of whom are Govt. servants and all whom had worked in the posts prior to the formation of Corporation and who continue to work in the Corporation without demur receiving as they do, their salaries and wages from the Corporation. Such redeployment was the result of a study undertaken by a High Level Committee and was in the best interest of the organisation and the High Court further held that "transfer orders in those cases came to be made consequent to a policy decision taken regarding the redeployment of the staff, with a view to optimise the use of manpower available to the Corporation and to make every one of the Kendras & Stations fully operational and so long as those employees working within the Prasar Bharati, they must do the work assigned to them in Prasar Bharati and it is not for them to make the policy for Prasar Bharati as to who should be deployed where and for, how long. The deputation is not to any one particular post at a particular location at a particular level. The deputation is of the services of employees to the Corporation which may deploy their employees at a locations, where there services are needed having regard to the work of the Corporation and as such the High Court held the Petitioners in that case cannot be questioned the transfer or redeployment of the staff members of Doordarshan Kendra. In this case, the petitioners in a round about way has questioned the transfer made by Doordarshan Kendra or redeployment made by the Prasar Bharati Corporation and therefore, it is not maintainable before this Tribunal. It is the further contention of the learned counsel for the Respondent that figures mentioned by the Petitioner in the Claim Statement are not true inasmuch as the strength of Senior Engineering Assistants and Khalasi mentioned in para 5 as 45 and 8 respectively, but the actual figure is 44 for Senior Engineering Assistants and 5 for Khalasi. It is the further contention of the learned counsel for the Respondent that even though the Petitioner produced Ex.W12 and W13 namely vacancy position of non-gazetted Engineering staff for the period ending March, 1994 and also Note on requirement of Engineering staff for Doordarshan Kendra, Chennai by the 1st Respondent, they are internal correspondence and on that score alone, it cannot be said that the work load of the members of the Petitioner Union has been increased by manifold. No doubt, the Superintending Engineer has put up a note for increase of strength but on that score, it cannot be said that the work load has been increased, and for various

reasons the Superintending Engineer has recommended for increase in staff strength and by producing these documents, no inference can be drawn that the work load had been increased nor working staff strength has been reduced by the Corporation. He further argued that as per the terms of appointment, engineering staff are shift duty staff, the staff already sanctioned for tract operation was withdrawn and their service has been utilised for 24 hours O & M satellite service. In the overall situation, the Respondent/Management had ensured that subordinate engineering staff do not perform more than their expected normal duty hours and do assigned duties which are primarily theirs and further, if any staff is retained beyond his duty hours on rare occasions, he/she is compensated by overtime allowance/compensatory off as per their entitlement fixed by Government. Even in W.P. No. 20051, 20068 to 20084 and 21210/2000, the High Court has come to a conclusion that the members of the Corporation have still lien on the Government service and they are still Government servants. Under such circumstances, the claim of the Petitioner Union that there is a change in conditions of service and this change has been made without notice is illegal, is not proper and maintainable before this Tribunal.

9. I find much force in the contention of the learned counsel for the Respondent because even before the High Court in W.P. Nos. 20051, 20068 to 20084 and 21210/2000, the High Court after going through the affidavit of Rajeeva Ratna Shah, then Special Secretary and Executive member of Prasar Bharati has come to a conclusion that even though the employees who manned these posts in Prasar Bharati and Doordarshan Kendra continued to hold their lien as Government servants and the learned counsel for the Respondent contended that even now the fact remains the same and therefore, it cannot be said that there is a change in conditions of service and notice is to be issued before that change and he further argued that the High Court in that case held that 'there is no dispute that all the Respondent employees as also others presently working in the Prasar Bharati are servant of the Government of India who had worked earlier in these same posts prior to the formation of Corporation, and who after the formation of Corporation worked at different locations and so long as these employees work within Prasar Bharati, they must do the work assigned to them in Prasar Bharati and it is not for them to make the policy for Prasar Bharati as to who should be deployed where and for how long. The deputation is not to any one particular post at a particular location at a particular level.' Under such circumstances, the grievance of the Petitioner Union is that they have been redeployed for various places without their consent, but the High Court has pointed out in the above Writ Petition that "service jurisprudence is not technicality without a purpose and the very object of employing a large number of persons with a variety of

qualifications and different levels of experience is to ensure that the work of the organisation in which they are presently employed is efficiently performed. The employees undoubtedly are entitled to know the terms and conditions subject to which they are required to perform their work ..... It is not in dispute that all these employees are in transferable service as employees of the Government of India. Every one of them is subject to liability for transfer. By serving the Corporation they do not gain any immunity from transfer except that the field of transfer as to be limited to within the Corporation and not beyond". In this case, the Petitioner's grievance is that the members of the union have been transferred to various places and therefore, the staff strength of the Doordarshan Kendra at Chennai has been reduced.

10. But, I find there is no point in the contention of the Petitioner Union because with the advent of modern technology and development in the electronic media, the requirement of manpower is to be rationalized and utilised in places as per exigencies. Even under Ex. W6 which is formulation of *ad hoc* staffing for the 3rd Respondent namely Prasar Bharati, in which *ad hoc* norms were proposed and in that it is clearly stated that these *ad hoc* norms will remain in operation till such time they are revised after a systematic study by some outside expert agency to determine the optimum staffing norms for Doordarshan Kendra. Under such circumstances, it cannot be said that the staff pattern has been reduced by the Respondent/management and therefore, I find with regard to Point No. 1 that there is no decision of management of Doordarshan Kendra for surrender of posts and with regard to Point No. 2, redeployment and relieving employee is legal and justified.

#### Point No. 3 :

The next point to be decided in this case is to what relief the Petitioner Union is entitled ?

11. In view of my foregoing findings that redeployment and relieving of employees to various places is legal and justified, I find the members of the Petitioner Union namely the concerned employees are not entitled to any relief. No Costs.

12. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th February, 2005).

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined :—

For the I Party/ : WW1 Sri R. Iyyasamy  
Claimant

For the II Party/  
Management : None

M2 31-01-00 Xerox copy of the letter from  
Ministry of Labour regarding not  
referring the matter for adjudication.

**Documents Marked :—**

**For the I Party/Claimant :—**

Ex. No.	Date	Description
W1	1997-98	Xerox copy of the statement showing total number of transmission hours.
W2	1999-00	Xerox copy of the statement showing total number of transmission hours.
W3	2000-01	Xerox copy of the statement showing total number of transmission hours.
W4	15-02-96	Xerox copy of the letter from Ministry of I & B regarding Abolition of posts.
W5	11-08-98	Xerox copy of the letter regarding revising staffing norms.
W6	25-02-00	Xerox copy of the letter regarding formulation of <i>ad hoc</i> Staffing norms.
W7	04-04-00	Xerox copy of the letter regarding redeployment of Subordinate engineering staff due to <i>ad hoc</i> norms.
W8	28-08-00	Xerox copy of the statement showing position of Non-gazetted engineering staff.
W9	13-01-03	Xerox copy of the order in W.P. No. 13011/2000.
W10	Nov. 98	Xerox copy of the affidavit in W.P. 18119/98.
W11	12-03-03	Xerox copy of the order in W.P. No. 18119/2000.
W12	Mar. 94	Xerox copy of the statement showing vacancy position of non-gazetted engineering staff for March, 1994.
W13	10-03-97	Xerox copy of the not on requirement of engineering staff for Doordarshan Kendra.

**For the II Party/Management :—**

Ex. No.	Date	Description
M1	03-05-93	Xerox copy of the office memo issued by Ministry of Finance.

**शुद्धि-पत्र**

नई दिल्ली, 29 मार्च, 2005

का. आ. 1556.—इस मंत्रालय के अधिसूचना संख्या एल-22012/132/2002-आई. आर. (सी. II) जो भारत सरकार मुद्रणालय में पंचाट दिनांक 15-3-2005 को प्रकाशन हेतु भेजा गया था की दूसरी लाइन में “संदर्भ संख्या 29/2003” की बजाय “संदर्भ संख्या 59/2003” पढ़ा जाए।

[सं. एल-22012/132/2002-आई. आर. (सी.-II)]

एन. पी. केशवन, डेस्क अधिकारी

**CORRIGENDUM**

New Delhi, the 29th March, 2005

S.O. 1556.—The Reference No. mentioned in the second line of the notification of even number dated 15-3-2005 may be read as “59/2003” instead of “29/2003”.

[No. L-22012/132/2002-IR (C-II)]

N. P. KESAVAN, Desk Officer

नई दिल्ली, 29 मार्च, 2005

का. आ. 1557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या 27/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-3-2005 को प्राप्त हुआ था।

[सं. एल-17014/2/2005-आई. आर. (बी.-I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th March, 2005

S.O. 1557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/1991) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 28-3-2005.

[No. L-17014/2/2005-IR (B.-I)]

C. GANGADHARAN, Under Secy.



**ANNEXURE****BEFORE THE PRESIDING OFFICER, CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT-II, NEW DELHI****Complaint No. 119/97  
Reference No. 27 of 1991****SHRI R. N. RAI : Presiding Officer****In the matter of :**

Sh. Rohidas Laku Rathod,  
C/o Insurance Employees Association,  
Gulistan Building, 2nd Floor,  
Maharshi Didhichi Marg,  
Bombay-01.

*Versus*

Sr. Divisional Manager,  
LIC of India, Aurangabad Division,  
Jeevan Prakash, Adalat Mart,  
Aurangabad-01.

**AWARD**

The complainant has filed complaint under Section 33-A of the I. D. Act.

In the complaint it has been stated that the complainant was engaged on 11-5-92 as a part time sweeper for two hours from 8 A.M. to 10 A.M. to do sweeping job in Latur branch by the respondent/second party. That the complainant was paid to Rs. 412 p.m. No deduction was effected from his monthly salary.

The complainant had applied for the post and long with the said application had furnished his SLC certificate in proof of age and qualification. The complainant had passed IX std. That the complainant had been signing the muster roll meant for all other employees in the branch. The complainant never remained absent from the duties. The complainant had not enjoyed casual leave during his service in the said branch.

That the complainant besides the job of sweeping was performing the duties of peons such as carrying cash whenever the peon used to remain on leave/absent. For that he used to be paid daily rate of Rs. 15 against voucher drawn in his name.

That as a sweeper the office used to assign him duties like water filling, dusting, tables/chairs of staff members. Therefore on most of the occasions the complainant had to remain in the office beyond fixed hours. That the complainant had been assigned the job of sweeping Guest House situated in the same building. That the work of the complainant used to be supervised by the Asstt. Administrative officer and the Branch Manager of the Branch.

That the complainant all of a sudden on 29-7-93 was orally told that due to his over qualification his services were being terminated and the same day he was served with the termination letter. That the complainant accordingly put in total and uninterrupted service of more than one year and two months from 11-5-92 to 29-7-93 and without giving any notice and/or pay in lieu thereof and without any enquiry and reasonable opportunity his services have been terminated though the said complainant had been giving very satisfactory work to the office and doing his duties assigned to him very diligently without giving any cause for complaint to any one in the office.

That the complainant was working in a clear vacancy of a part time sweeper and his appointment was done by the Branch Manager with full knowledge about the character educational qualification and all other relevant particulars and therefore it was regular in all sense and in every respect.

That the complainant is covered by the present reference being adjudicated by the Hon'ble Tribunal and therefore, he is a concerned workman so far as this reference is concerned and be abruptly terminating his services without any cause and reason during the pendency of the reference the Sr. Divl. Manager, Aurangabad Divn. of the Corpn. Has committed gross violation of the provisions of the I. D. Act. 1947.

The management has filed written statement. In the written statement, it has been stated that the present application is misconceived and untenable. No case whatsoever has been made out for warranting any order to be made in respect of the applicant under the provisions of section 33-A of the Industrial Disputes Act. There has been no alteration of the conditions of service applicable to the workman. There has been no discharge or punishment for any misconduct nor is it a case of wrongful and illegal termination as alleged in the application. The application is liable to be dismissed summarily.

It is submitted that as per the showing of the complainant he was engaged as temporary part-time sweeper for two hours from 8.00 a.m. to 10.00 a.m. A temporary part time worker has no right to continue as a part time worker in perpetuity by the very nature of his engagement. He can be asked to discontinue from his service as and when his temporary part time services are not required by the corporation.

It may be mentioned that as the complainant happened to be engaged as temporary part time sweeper no deductions were effected from his salary. It is denied that the complainant was asked to perform the duties of peons. It is further denied that the complainant was asked to perform the duties other than the job of sweeper as has been alleged by the complainant.



The work of the complainant as a sweeper was however being supervised by the supervisory staff. It is submitted that the complainant was only a temporary part time sweeper and his services were no longer required and the same were dispensed with effect from 29th July, 1993. The said action of the management cannot be said to be illegal, unjust, unfair in any manner.

No notice or any pay in lieu therefore any enquiry was required in the facts and circumstances of the complainant's temporary part time engagement. Rest of the para is wrong and denied. It is further denied that the complainant put in uninterrupted service of more than one year and two months as has been alleged by the complainant. The complainant be put to strict proof of the same.

It is denied that the complainant's engagement was regular in any sense or in any respect as alleged by the complainant in this para. It is wrong that there was any change in the service conditions of the complainant or the respondent/management committed any violation of the provisions of the Industrial Disputes Act during the pendency of the reference inasmuch as the complainant was only a temporary part time sweeper and his services were no longer required and the same were dispensed with effect from 29th July, 1993. The said action of the management cannot be termed as illegal, unjust or in violation of the Industrial Disputes Act. There has been no discharge or punishment for any misconduct and there cannot be said to be any violation of the Industrial Disputes Act.

The complainant has no legal right to claim fresh engagement or ask for reinstatement keeping in view the nature of his part time temporary engagement which stood dispensed with, with effect from 29th July, 1993.

All India National Insurance Employees Federation has filed rejoinder. In the rejoinder they have reiterated the facts of the statement of claim and have asserted that the claimant was regular employee of the management and his services have been arbitrarily terminated.

The management has denied most of the paras of the statement of claim and the federation has also denied most of the paras of the written statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the Union that the services of the claimant was terminated during the pendency of ID No. 27/1991 so they have filed a complaint U/s 33A of the ID Act. Section 33A read as hereunder :

"Where an employer contravenes the provisions of Section 33 during the pendency of proceedings (before a conciliation officer, Board an Arbitrator,

Labour Court, Tribunal or National Tribunal) any employee aggrieved by such contravention, may make a complaint in writing) in the prescribed manner :

- (a) to such conciliation officer of Board, and the conciliation officer or Board shall take such complaint into account in mediating in, and prompting the settlement of such industrial dispute; and
- (b) to such arbitrator, Labour Court, Tribunal or National Tribunal and on receipt of such complaint, the arbitrator, Labour Court, Tribunal or National Tribunal as the case may be shall adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of this Act and shall submit his or its award to then appropriate Government and the provisions of this Act shall apply accordingly.

According to this provision which has been introduced by the amendment Act, 48 of the 1950 the Court has to give award as if it were a dispute referred to or pending before the Court/Tribunal in accordance with the provisions of this Act and the award shall be submitted to the appropriate Government and the provisions of this Act shall apply accordingly. It was submitted from the side of the management that the services of the workman applicant were terminated during the pendency of the aforesaid ID case of 1991. The Court has to give award and that cannot be contrary to the award already passed in the case referred to u/s 10 of the ID Act. In 33A itself it has been mentioned that the Court shall adjudicate upon the complaint as it was dispute referred to or pending before it. So far as ID No. 27/1991 is concerned, an award was given by the CGIT-I but the same has been set aside by the Hon'ble Delhi High Court in Writ Petition (C) No. 4346 of 2001 against the workmen in the light of the scheme approved by the Hon'ble Supreme Court in Prabhawati's case. So far as Section 33A is concerned it has been termed as a complaint and the Hon'ble Supreme Court in 1994 LLR Page 112 (P&H) has decided that the violation of the provision of Section 33 of the Act entitles the workman to file a complaint under Section 33A thereof and makes the employer liable to be punished. The reference in this case is to be replied as if the dispute has been referred to the Tribunal by the appropriate Government. So Section 33A has not any force like a penal provision and the award is given in the light of the original case referred to by the appropriate government. It would have been better in case such a provision is included under Section 33 of the ID Act, 1947 and it can be decided along with the original reference by the Tribunal. Section 33A multiplies the pendency of the cases.

It was argued from the side of the management that the award passed in ID No. 27/91 has been set aside by the Hon'ble High Court. It is no longer in existence and the Hon'ble Supreme Court in *State of Haryana Vs. Pyara Singh* 1992 (4) SCC 118 on 23rd October 1992 granted special leave and disposed of all the Civil appeals incorporating the essential features of the scheme prepared by the petitioner as a part of its order. The operative portion of the orders passed by the Supreme Court in *Prabhavathy's* case reads as follows :

"The scheme contained in clauses (a) to (d) of paragraph 1, which is as under is approved subject to the postponement of the recruitment scheduled in November 1992 by at least six weeks and the LIC will proceed to regularize the employees eligible under the Scheme.

- (a) All those temporary employees who have worked for 85 days in any two consecutive calendar years with the Life Insurance Corporation between 20th May 1985 up till date and who come under eligibility criteria for regular recruitment on the dates of their initial temporary appointment will be permitted to compete for the next regular recruitment after the regular recruitment for these posts currently scheduled for November 1992 are held.
- (b) These candidates will be considered on their merits with all other candidates who may apply for such appointments including those from the open market.
- (c) These candidates will be given age relaxation for applying for regular recruitment provided that they were eligible on the date of their first temporary appointment with the Life Insurance Corporation.
- (d) If these candidates are otherwise eligible, they can apply for regular recruitment in the normal course.

This regularization will in the circumstances, be by selection for appointment. We make the above clauses of the Scheme a part of our order".

As per the scheme, temporary employees were entitled to a chance to compete for regular recruitment.

As such the Hon'ble Supreme Court has settled all the disputes of the LIC and its workmen in several cases by order dated 23-10-1992 and approved the scheme. In the light of the scheme approved by the Hon'ble Supreme Court, the Hon'ble Delhi High Court has allowed the writ petition of the management, Life Insurance Corporation of India and others in view of the scheme framed by the petitioner in 1992(4) SCC 118 and approved by the Hon'ble Supreme Court. As such, all the disputes between the workmen and the LIC shall be

deemed to be settled under the scheme approved by the Hon'ble Supreme Court.

It was further submitted from the side of the federation that they were not then parties before the Hon'ble Supreme Court. Whether they were the parties or not, the matter has been finally settled by the Hon'ble Supreme Court and if they are aggrieved they may approach the Hon'ble Supreme Court for changing the scheme framed and approved by the Union of the LIC and the LIC. It was further submitted by the federation that they have been working for a long period in the LIC but they were directed to compete with the general candidates and even no weightage was given to the employees already working under the LIC and the LIC has arbitrarily without giving any weightage to the workmen already working with the LIC has appointed new hands and has not absorbed them.

From the perusal of the records, it transpires that injustice has been done with the workmen who were working in the LIC and they have not been absorbed but the union itself agreed to the scheme framed by the LIC and that was approved by the Hon'ble Supreme Court so nothing is left for this Tribunal to adjudicate upon or decide. It was further submitted that in the scheme, Para C only gives relaxation in age and Para D requires them to apply for regular recruitment in the normal course and the regularisation will, in the circumstances, be by selection for appointment. It was submitted that the service rendered by the workman applicant has not been considered while making appointment. The Union has agreed to the scheme framed by the LIC and it has got the seal of approval of the Hon'ble Supreme Court as such the matter may be again raised before the Hon'ble Supreme Court as everything has been finalized. The Scheme was approved in 1992 whereas the ID case was pending in 1991. As such, ID case No. 27/1991 merged in the scheme approved by the Hon'ble Supreme Court. There remains nothing to be adjudicated upon or to be decided in view of the judgment of the Hon'ble Supreme Court and the Hon'ble Delhi High Court referred to above. In case any injustice has been caused to the workmen i.e.; due to bargaining of the union, the union has conceded to the scheme framed by the LIC of course, there appears to be no proper dispensation of justice but if the union has entered into a compromise before the Hon'ble Supreme Court and that scheme has been approved, every appointment is to be made according to the scheme formulated and the workman cannot get relief of reinstatement. The law cited by the workman applicant is not applicable in the facts and circumstances of the case.

The case of the workman is not different. He has also applied along with the other workmen in ID No. 27 of 1991. The Award of ID No. 27 of 1991 has been set

aside by the Hon'ble Delhi High Court and scheme has been framed. Every appointment is to be made according to the scheme agreed upon between the Insurance Employees Association and the LIC. The Award of 27/1991 has been set aside by the Hon'ble Delhi High Court in view of the scheme framed by the Hon'ble Supreme Court.

In view of the scheme framed by the Hon'ble Supreme Court the entire workmen have not been found fit for reinstatement, they are to be appointed in the light of the scheme framed by the Hon'ble Supreme Court. Termination of the services of the workman will not by itself entitle him to get reinstatement, if he got no relief in the original ID case. The complaint is to be replied as if it was reference referred to by the appropriate Government. The Award of ID No. 27/1991 has been set aside by the Hon'ble Delhi High Court. This workman was included in that reference as such he can get no relief under Section 33A of the ID Act, 1947 as this complaint is to be replied as a reference.

The workman applicant does not deserve to get any relief as the Award of the ID No. 27/1991 has been set aside by the Hon'ble Delhi High Court. The workman applicant is not entitled to get any relief as prayed for. The complaint is dismissed.

The award is given accordingly.

Dt. 24-03-2005

R. N. RAI, Presiding Officer

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1558.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शाहदोल क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 124/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-03-2005 को प्राप्त हुआ था।

[सं. एल-12012/201/91-आई. आर. (बी-1)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1558.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 124/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Shahdol Kshetriya Gramin Bank and their workman, which was received by the Central Government on 28-03-05.

[No. L-12012/201/91-IR (B-I)]

C. GANGADHARAN, Under Secy.

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/124/95

SHRI C. M. SINGH : Presiding Officer

Shri Ramlal Sondhiya,  
C/o Amritlal Kachi,  
C/o Shahdol Gramin Bank,  
Near Jain Mandir,  
Shahdol. . . Union/workman

*Versus*

The Chairman,  
Shahdol Kshetriya Gramin Bank,  
Head Office,  
Shahdol (M. P.). . . Management

## AWARD

Passed on 09-03-2005

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/201/91-IR B. I dated 30-6-95 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Shahdol Kshetriya Gramin Bank, Shahdol in terminating the services of Shri Ramlal Sondhiya w.e.f. 7-3-90 was justified? If not, to what relief the workman is entitled to?”

2. After the reference order was received, it was duly registered and notices were issued to the parties. This reference order was registered on 7-7-95. In response of the notice, the representative of the workman/Union put in appearance on 12-9-95 and sought time for filing the statement of claim. It appears from the record that the workman/Union filed the statement of claim on 9-11-95, the date fixed in the reference. Thereafter continuously on 3 dates fixed, the workman/Union absented himself and appeared on 6-5-96—the date fixed in the reference. Thereafter again continuously on 2 dates, the workman/Union remained absent. On 19-4-99, 4-8-99, 29-9-99 and 30-11-99—the dates fixed in the reference, the workman/Union remained absent. Thereafter again on continuously 7 dates fixed in the case, the workman/Union remained absent and came present on 5-6-03—the date fixed in the reference. After the said date, before closing the reference for Award, continuously on six dates, the workman/Union remained absent. The order sheet reveals that the workman/Union remained absent inspite of sufficient service of notice on him by registered post. Thus the workman/Union did not care to prosecute this reference. The above facts and

circumstances clearly indicate that the workman/Union has no interest in the reference and does not want to prosecute the case.

3. Under the above circumstances, No dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 29 मार्च, 2005

का. आ. 1559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चैन्नई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 35/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-03-2005 को प्राप्त हुआ था।

[सं. एल-33011/11/2002-आई.आर.(एम.)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th March, 2005

S.O. 1559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I. D. 35/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Chennai Port Trust and their workman, which was received by the Central Government on 29-03-2005.

[No. L-33011/11/2002-IR(M)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 22nd February, 2005

#### PRESENT :

K. JAYARAMAN : Presiding Officer

Industrial Dispute No. 35/2003

[In the matter of the dispute for adjudication under clause(d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Chennai Port Trust and their workmen]

#### BETWEEN :

Sri V. Durai : I Party/Petitioner

AND

1. The Chairman : II Party/Management  
Chennai Port Trust,  
Chennai
2. M/s. K. P. V. Shaik  
Mohammed Rowthar &  
Co. Ltd., Chennai

#### APPEARANCE :

For the Petitioner : Mr. M. Sriram,  
Advocate

For the Respondent No. 1 : Mr. G. Venkataraman  
& N. Krishnakumar.  
Advocates

For the Respondent No. 2 : None

#### AWARD

The Central Government, Ministry of Labour vide Order No. L-33011/11/2002-IR(M) dated 24-02-2003 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :—

“Whether the non-employment of Shri V. Durai, an ex-employee of M/s. K. P. V. Shaik Mohammed Rowthar Co., Ltd., Stevedoring Agent by the Chennai Port Trust is justified and if not, to what relief the workman is entitled to ?”

2. After the receipt of the reference, it was taken on file as I. D. No. 35/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner was employed as a receipt clerk/supervisor in 2nd Respondent company namely K. P. V. Sheikh Mohamed Rowthar & Co. Chennai and who is recruited in Dock Labour Board in Chennai and he worked in that capacity from the year 1982. Thus, the Petitioner had put in seven years of service and since the 2nd Respondent is dealing with the stevedores activities, the 2nd Respondent employees were deputed to Dock Labour Board, Chennai Port Trust to attend to supervisory work of clearing cargo in respect of 2nd Respondent. The 2nd Respondent has given two lists namely list A & B containing names of its employees. List A consists of employees permanently working in Dock Labour Board, Chennai and list “B” contains names of employees such as supervisors and receipt clerks deputed to work in Dock Labour Board. The 1st Respondent has not made permanency of some of the employees of 2nd Respondent in the list A and they have filed Writ Petition before the High Court and even though W. Ps were dismissed in the

Writ Appeals filed by them the Hon'ble High Court allowed the writ Appeals and directed the 1st Respondent to consider the claim of the employees in that Writ Appeals afresh. Since the Petitioner is one such employee as supervisor he has also made a representation to 2nd Respondent to consider his claim for making him as a permanent employee. The 1st Respondent in his reply on 18-10-93 has rejected the claim of the Petitioner and also advised to file his claim against the 2nd Respondent. Hence, the Petitioner has filed W. P. No. 150/95 before High Court for the relief of employment. The High Court considered the claim of the Petitioner and by an order dated 7-9-01 directed the Petitioner to work out his remedy by raising industrial dispute. Hence, the Petitioner has raised a dispute before Assistant Labour Commissioner (Central) and on the failure of conciliation the matter was referred to this Tribunal. The 1st Respondent has taken a view that the Petitioner's name was not found in the earlier list of supervisor/receipt clerk. For no fault of the Petitioner in that list the Petitioner's name was not included. But on that ground the claim of the Petitioner cannot be rejected. Since his W. P. No. 150/95 is pending before the High Court, he has not given any representation at that time. The Petitioner has produced service book, entry permit, ESI identification card and also letter from the 2nd Respondent company and also salary slips for the year 1985 and also produced certificate given by Dock Manager of 2nd Respondent. Under such circumstances, the 1st Respondent may be directed to employ the Petitioner as receipt clerk with back wages and other attendant benefits.

4. As against this, the 1st Respondent in its Counter Statement contended that the erstwhile Madras Dock Labour Board was a statutory tripartite body constituted under section 5A of Dock Workers (Regulation of Employment) Act, 1948 and it was administering four statutory schemes framed by Central Govt. by virtue of powers vested in it under section 4 of the said Act. Each one of the four statutory schemes had its own pool of dock workers and the Madras Dock Labour Board used to supply labour to stevedoring employers from the statutory pools depending upon the requisitions made by them. The Madras Stevedores Association was administering a private pool of General pool workers on the pattern of statutory schemes framed by Central Govt. and the workers of private pool represented by trade unions agitated for the private pool being statutorily administered by Madras Dock Labour Board and after some time, the Central Govt. heeded to the request of trade unions and framed statutory schemes namely Madras Unregistered Dock General Pool Workers (Regulation or Employment) Scheme, 1988. Under the pool administered by Madras Stevedores Association, the following categories of workers were provided employment on rotational basis and such workers belong

to the category of daily rated supervisors, daily rated receipt clerks, rigger foreman and general purpose mazdoors such as mazdoorm, basket mender, trimming stitcher, cleaning mazdoor, net sling mender, carpenter, rigger mazdoor. Apart from the above, each of the stevedores, who were members of Madras Stevedores Association were having in their establishments monthly paid staff such as receipt clerk and supervisors. The above said scheme came into force w.e.f. 1-8-88. The workers belonged private pool administered by Madras Stevedores Association and who were working as registered pool workers as on 11-4-84 were brought under the statutory pool administered by Madras Dock Labour Board and their categories are specified under Schedule 1 to statutory scheme and were also called list 'B' workers. With regard to monthly paid contractual workers under individual stevedores who were members of Madras Stevedores Association and who were working as such monthly workers of such individual stevedores as on 11-4-84 were brought under List 'A' to be maintained under the scheme. Under clause 18 of the statutory scheme, there has been a limited benefit given to List 'A' workers in case their employer either closed down his business or retrenching them or their being transferred to List 'B' general pool and for being allotted to some other listed employer. The Writ Petitioners mentioned in the Claim Statement were all list 'A' workers of 2nd Respondent and they were directed to brought under List 'B' pool. But as far as the Petitioner is concerned as on 11-4-84 he was neither a monthly rated employee nor was in private pool administered by Madras Stevedores Association. Therefore, he cannot compare himself with the Writ Petitioners and it is for him to establish that he was a monthly rated worker of 2nd Respondent as on 11-4-84 to claim the benefit with other writ petitioners and further he has to establish that he was a worker registered in private pool run by Madras Stevedores Association as on 11-4-84 to claim that he also belonged to general pool administered by Madras Dock Labour Board w.e.f. 1-8-88. But, the Petitioner has not produced any documents before the Respondent to show that as on 11-4-84 he was working as a monthly rated worker under the 2nd Respondent satisfying clause 23 of the statutory scheme. The Petitioner was not a Writ Petitioner in any of the writ petitions mentioned in Claim Statement or in Writ Appeals. Therefore, the Petitioner must have been employed by the erstwhile stevedore M/s. K. P. V. Sheikh Mohamed Rowther & Co. outside the private pool run by Madras Stevedores Association or as a Casual employee without being a monthly rated supervisor/receipt clerk as on 11-4-84 and therefore, he cannot claim absorption into services of Chennai Port Trust. There was no occasion either for erstwhile Dock Labour Board which has become Cargo Handling Division or Chennai Port Trust to cause non-employment of the Petitioner. In this view, the claim of the Petitioner is not maintainable under

the guise of non-employment. The Petitioner has no *locus standi* to raise this dispute before this forum. The Government of India under Section 3 of the Central Act 31/97 issued notification dated 29-5-01 making dock workers (Regulation of Employment) (inapplicability to Major Ports) in relation to Port of Chennai which has been published in Gazette of India and therefore, the Dock workers covered by four schemes were to be integrated into one group as shore workers of Chennai Port Trust and the Madras Dock Labour Board has been renamed as Cargo Handling Division of Chennai Port Trust w.e.f. 28-5-01. Hence, for all these reasons, the Respondent prays to dismiss the claim of the Petitioner.

5. In these circumstances, the points for my consideration are :—

- (i) "Whether the non-employment of Petitioner, an ex-employee of 2nd Respondent by the Chennai Port Trust is justified ?
- (ii) "To what relief, the Petitioner is entitled ?"

**Point No. 1 :—**

6. The case of the Petitioner is that he was employed as a clerk in the 2nd Respondent since 1982 and he was continuously working as permanent monthly rated employee for seven years till his retrenchment. The 1st Respondent Port/Dock Labour Board promised that the employees who were retrenched by 2nd Respondent will be offered employment in Dock Labour Board and since they refused to do the same, the affected employees who were similarly placed like the Petitioner approached the High Court in Writ Petitioners and the Writ Petitioners were dismissed by High Court and on Writ Appeal, the High Court has directed the 1st Respondent to consider the claim of the Petitioners afresh and on coming to know all these things, the Petitioner approached the High Court in W. P. 150/95 in which the High Court has directed the Petitioner to raise industrial dispute in order to establish by way of producing documents and evidence that he was a permanent monthly rated employee in the 2nd Respondent. Therefore, the Petitioner raised this industrial dispute before Assistant Labour Commissioner (Central) and on the failure of conciliation, the matter was referred to this Tribunal.

7. On behalf of the Petitioner, the Petitioner has examined himself as WW1 and produced documents Ex. W1 to W12 and further examined one Mr. Mohanan as WW2, who is one of the Writ Petitioners before High Court against Dock Labour Board/Port Trust. Ex. W1 is the service book of the Petitioner under 2nd Respondent. Ex. W2 is the entry permit given by Madras Port Trust for the month of March, 1988. Ex. W3 is the copy of ESI identification card issued in the year 1982. Ex. W4 series are salary slip of the Petitioner for the months of September and December, 1985 and March, 1987.

Ex. W5 is the xerox copy of the letter from 2nd Respondent withholding the Petitioner's pay for two days in the year 1985. Ex. W6 is the copy of certificate issued by Dock Manager of 2nd Respondent issued on 25-2-88. Ex. W7 is the copy of judgement in Writ Appeal in 119, 360, 799 and 800/1993. Ex. W8 is the copy of order in W. P. 150/95. Ex. W9 is the copy of letter of Madras Dock Labour Board to enlisted employees of 2nd Respondent. Ex. W10 is the copy of parawise comments given by 1st Respondent before conciliation officer. Ex. W11 is the copy of reply given by the Petitioner to the above comments. Ex. W12 is the copy of failure report submitted by conciliation officer.

8. As against this, the Respondent examined one Mr. Natarajan who is working as Administrative Officer in the 1st Respondent/Management and on their side copy of extracts from Madras Unregistered Dock General Pool Workers (Regulation of Employment) Scheme, 1988 was marked as Ex. M1. Copy of the letter from 2nd Respondent to the Madras Dock Labour Board regarding enlisting of 26 members in List A dated 20-2-92 as Ex. M2 and Ex. M3 and M4 are copies of Govt. of India Notifications dated 29-5-01 and 18-8-97 respectively. Ex. M5 is the copy of the list containing persons enlisted in List 'A'. M6 is the copy of the order of High Court in WPMPs.

9. The learned counsel for the Petitioner contended that as per the Scheme Ex. M1 such of those workers who belong to private pool administered by Madras Stevedores Association and who were working as registered pool workers as on 11-4-84 were brought under statutory pool administered by Madras Dock Labour Board and their categories are specified under Schedule 1 to the statutory scheme and were also called List 'B' workers and as the monthly paid contractual workers under individual stevedores who were members of the Madras Stevedores Association and who were working as such monthly workers of such individual stevedores as on 11-4-84 were brought under List 'A' to be maintained under that scheme. But the 2nd Respondent who was a member of Stevedores Association has not given the Petitioner's name in List 'A' or 'B'. But for no fault of the Petitioner his name was deleted in the list given by the 2nd Respondent under whom the Petitioner worked from the year 1982. Some of the employees namely 9 persons in List 'A' worked under the 2nd Respondent have filed Writ Petition before the High Court to take them into service and though the Writ Petitions have been dismissed, in Writ Appeals filed by them, the High Court had directed the 1st Respondent to consider the claim of the Writ Petitioners afresh and subsequently, on consideration those persons have been taken into service of the 1st Respondent. But, the Petitioner was also one of the persons who have similarly placed as that the nine workmen and therefore, he has given



representation to the 1st Respondent. But the 1st Respondent rejected the claim of the Petitioner on the ground that his name was not included in List 'A' given by the 2nd Respondent. As I have already stated, the learned counsel for the Petitioner contended that for no fault of the Petitioner his name was not included in the List 'A' or 'B' as per the scheme introduced by the Govt. In the enquiry, the Petitioner has deposed that even in the year 1982 he has been appointed as a clerk/junior clerk and he has worked as a Receipt Clerk under the 2nd Respondent/Management and he has also examined a co-employee Mr. Mohanan, who had filed Writ Petition before the High Court and who had succeeded in his attempt and from his evidence also the Petitioner has established that the Petitioner worked as receipt clerk under the 2nd Respondent under Dock Labour Board. On the other hand, the 2nd Respondent remained *ex parte* and the 1st Respondent who has nothing to do with the work of the Petitioner during that days has given evidence only because his name was not included in the lists 'A' & 'B', the Petitioner cannot be absorbed in the 1st Respondent/Management. Since the Petitioner has established that he was working under the 2nd Respondent even during 1982 and since on the fault of the 2nd Respondent his name was not included either in the list 'A' or 'B' his case has to be considered by the 1st Respondent/Management and he has to be employed by the 1st Respondent.

10. On the other hand, the learned counsel for the Respondent contended that the Petitioner has no *locus standi* to raise this dispute because there was no occasion either for erstwhile Madras Dock Labour Board which has become Cargo Handling Division of Madras Port Trust nor Chennai Port Trust to cause non-employment of the Petitioner and therefore, the contention of the Petitioner that he was non-employed by the Respondent is not maintainable and this dispute under the guise of non-employment is also not maintainable before this Tribunal. The Petitioner was not in employment under the 1st Respondent at any point of time and he was never a monthly rated worker under the 1st Respondent both prior to and after coming into force of the statutory scheme. Further, he was not one of the appellants in any one of the Writ Appeals alleged to have been filed by the nine employees and he has also not made any representation to the Port Trust and therefore, he is not entitled to claim any relief in this dispute. It is the further contention of the Respondent that though the Petitioner alleged that he was under employment of erstwhile stevedore M/s. K. P. V. Sheikh Mohammed Rowther & Co., it must have been outside the private pool run by the Madras Stevedores Association or as a Casual employee without being a monthly rated supervisor/receipt clerk as on 11-4-1984 namely the crucial date mentioned in the Ex. M1 scheme and therefore, the 1st Respondent

could not and would not enable the Petitioner to appoint as an employee or absorb him into the services of the Port Trust. Further, it is the contention of the Respondent that even in the documents produced by the Petitioner namely Ex. W4 namely salary slip of the Petitioner for September, 1985, December, 1985 and March, 1987 it is only mentioned as a 'piece rated' and therefore, he must have worked as a piece rated employee receiving wages at the duration of the month and therefore, on any account the Petitioner cannot claim any relief in this industrial dispute. Under the Madras Unregistered Dock General Pool Workers (Regulation of Employment) Scheme, 1988 it is clearly mentioned who the persons to be included in List 'A' and List 'B'. According to Clause 16(2)(a)(i) "List 'A'—categorywise list of receipt clerk, supervisor, other than the receipt clerk and supervisor included in the General Pool who are engaged by the listed employers on contract on monthly basis, and who are known as monthly workers and Clause 16(2)(a)(ii) List 'B'—contains the dock supervisors, dock receipts clerks, rigger foremen and General purpose mazdoors who are in the general pool and who are known general pool workers and it is also mentioned in that scheme that this list should be given by the employers to Dock Labour Board. In this case, the Respondent has produced Ex. M5 which contains the persons enlisted in List 'A' wherein page 4 mentions about 26 persons who are included in list 'A' given by the 2nd Respondent in which the Petitioner's name has not been found place. Though the 2nd Respondent remained absent and set *ex parte*, except the documents produced by the Petitioner namely the copy of service register and monthly payment slip, there is no proof to show that he has worked as monthly rated supervisor or receipt clerk under the 2nd Respondent/Management. Though it is argued on behalf of the Petitioner that one Mr. Mohanan who was examined as WW2 and who filed Writ Petition and subsequently Writ Appeal against the 1st Respondent has stated that the Petitioner has worked along with him as a receipt clerk and for the reasons best known to the 2nd Respondent his name was not included in the list 'A' with regard to this witness, it is clearly established that he has got grievance against the Madras Port Trust subsequent to his appointment in Port Trust his salary was reduced from Rs. 7500 to Rs. 5000 and it was also upheld by the High Court in Writ Petition and under such circumstances, this witness WW2 has given a false evidence and without any proof that the Petitioner has worked along with him as a receipt clerk. Merely because of his evidence, we cannot come to a conclusion that the Petitioner had worked as a receipt clerk, when documentary evidence is against this oral evidence.

11. Again, on the side of the Respondent it is contended that though the Petitioner has produced the certificate Ex. W6 alleged to have been given by the Dock

Manager of the 2nd Respondent, wherein it is mentioned that the Petitioner has worked as Receipt Clerk and it is not established the person who has given the certificate has got power to issue such certificate and he was not examined before this Tribunal, therefore, no reliance can be placed on the document Ex. W6. It is argued on behalf of the Respondent that since the service register mentions only as Clerk and since his salary slip mentions him as a piece rated employee, it cannot be said that the Petitioner has worked as a monthly rated supervisor/receipt clerk. Again, on the side of the Respondent, it is contended that even in the evidence of the Petitioner in cross examination, it is elicited that the post of Supervisor or Receipt Clerk is different from the post of Junior Clerk and therefore, when he was appointed as a Junior Clerk, the burden is upon the Petitioner to establish that subsequently he has been appointed as a Receipt Clerk or Supervisor. Though the Petitioner alleged that he was appointed as a Receipt Clerk, no document was produced on the side of the Petitioner to show that he has been appointed as a Receipt Clerk and worked as a Receipt Clerk under the 2nd Respondent except ipse dixit of Petitioner's oral evidence. Under such circumstances, the Petitioner cannot compare himself along with other nine persons who have filed Writ Petition before High Court nor he can claim that the 1st Respondent has to take him in their employment.

12. Though I find some force in this contention, as against this, the learned counsel for the Petitioner contended that the only because his name was not found place in Ex. M5, it cannot be said that the Petitioner has not worked as a Receipt Clerk under the 2nd Respondent. The 2nd Respondent, who has to say whether the Petitioner was appointed as a Receipt Clerk or not, has remained *ex parte* and under such circumstances, from the documents produced by the Petitioner and from the evidence adduced on the side of the Petitioner, it is clearly established that the Petitioner has worked as monthly rated Receipt Clerk under the 2nd Respondent. Though the Petitioner has joined as a Junior Clerk subsequently, he worked as a Receipt Clerk and this fact was also established by the witness WW2, when he says in his evidence that in the 2nd Respondent's company only two categories of workers working namely Receipt Clerk and Supervisor and the Petitioner was working as a Receipt Clerk and this statement of WW2 has not been cross examined by the Respondent side nor it was not established by the 1st Respondent that there were other categories of workers working under the 2nd Respondent/Management. Though the 1st Respondent alleged in the counter statement that the Petitioner must have been worked as a casual outside the private pool run by Madras Stevedores Association, it is only an allegation, on the other hand, it is established by the Petitioner through documentary evidence and also oral evidence that he has

been appointed by the 2nd Respondent even in the year 1982 on monthly rated payment and it is also established before this Court through WW2 that except Supervisors and Receipt Clerks, there is no other employment under the 2nd Respondent. Under such circumstances, this Tribunal can safely conclude that the Petitioner was worked as a Receipt Clerk under the 2nd Respondent.

13. I find much force in the contention of the learned counsel for the Petitioner because his witness WW2 has clearly stated that there is no other employment except the posts of Supervisor or Receipt Clerk under 2nd Respondent. Even though it is stated that this witness has got some grievance against the 1st Respondent/Management the Respondent has not cross examined the witness in this aspect with WW2 and further, it is not established that the 2nd Respondent had other employees outside the private pool run by Madras Stevedores Association or employed casual labour without being a monthly rated supervisor/receipt clerk. Therefore, I find the 2nd Respondent who is responsible for the fault is to be blamed and not the Petitioner in this case. The 2nd Respondent who has employed the Petitioner as a clerk and subsequently as a Receipt Clerk even in the year 1982 has not included his name in the list 'A' and merely because of this omission, the Petitioner cannot be put to hardship. Therefore, I find this point in favour of the Petitioner.

#### Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner Union is entitled ?

14. In view of my foregoing findings, that the non-employment of the Petitioner, ex-employee of the 2nd Respondent by the 1st Respondent is not legal, I find the Petitioner is entitled to the relief claimed by him. But with regard to back wages, no evidence was adduced by the Petitioner that all these years he has not been employed anywhere else and under such circumstances, the Petitioner is not entitled to back wages. Therefore, the 1st Respondent is directed to employ the Petitioner as Receipt Clerk as that of the nine Writ Petitioners in W. A. 119, 360, 799 and 800/93. No Costs.

15. The reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 22nd February, 2005).

K. JAYARAMAN, Presiding Officer

#### Witnesses Examined

<b>For the I Party/Petitioner</b>	: WW1 Sri V. Durai WW2 Sri T. M. Mohanam
<b>For the II Party/Management</b>	: MW1 Sri K. Natarajan



**Documents Marked :—****For the I Party/Workman :—**

Ex. No.	Date	Description
W1	25-02-82	Extract of service book of the Petitioner
W2	March 88	Xerox copy of the entry permit issued to Petitioner
W3	1982	Xerox copy of the ESI card issued to Petitioner
W4	Sept. & Dec. 1985 & Mar. 87	Xerox copy of the pay slip issued to Petitioner
W5	25-11-85	Xerox copy of the letter from Respondent to Petitioner
W6	25-02-85	Xerox copy of the service certificate issued to Petitioner
W7	Sep. 1993	Xerox copy of the order in W. A. 119, 360 & 800/93
W8	07-09-01	Xerox copy of the order in W. P. No. 150/95
W9	18-10-93	Xerox copy of the letter of Madras Dock Labour Board
W10	16-05-02	Xerox copy of the parawise comments submitted by 1st Respondent before Assistant Labour Commissioner
W11	04-06-02	Xerox copy of the reply given by the Petitioner
W12	02-08-02	Xerox copy of the failure of conciliation report.

**For the II Party/Management :**

Ex. No.	Date	Description
M1	Nil	Extract of Madras Unregistered Dock General Pool Workers (Regulation of Employment) Scheme 1988
M2	20-02-92	Xerox copy of the letter from 2nd Respondent to MDLB. regarding enlisting of 26 members
M3	29-05-01	Xerox copy of the Govt. of India Gazette Notification
M4	18-08-97	Xerox copy of the Govt. of India Gazette Notification
M5	Nil	Xerox copy of the list containing persons enlisted in 'A'
M6	10-09-03	Xerox copy of the order of High Court in WPMP Nos. 25972 to 25974/2002.

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1560.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ओवरसीज बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 51/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2005 को प्राप्त हुआ था।

[सं. एल-12011/227/2002-आई. आर. (बी.-II)]  
सी. गंगाधरन, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1560.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 51/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure. in the Industrial dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 29-03-2005

[No. L-12011/227/2002-IR (B-II)]  
C. GANGADHARAN, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, CHENNAI**

Monday the 14th February, 2005

Present : K. JAYARAMAN, Presiding Officer

**INDUSTRIAL DISPUTE NO. 51/2003**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their workmen).

**BETWEEN**

The General Secretary, : I Party/Claimant  
Indian Overseas Bank  
Employees Trade Union

**AND**

The Chairman-cum- : II Party/Management  
Managing Director,  
Indian Overseas Bank,  
Chennai.

**Appearances :**

For the Claimant : M/s. R. Viduthalai &  
S. C. Herold Singh,  
Advocates

For the Management : M/s. N.G.R. Prasad. &  
Sri W. T. Prabhakar.  
Advocates

### AWARD

The Central Government, Ministry of Labour vide Order No. L-12011/227/2002-IR (B-II) dated 17-03-2003 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :—

“Whether the order of voluntary retirement from service passed against Shri A. Veeramani by the management of Indian Overseas Bank is legal and justified ? If not, what relief the workman is entitled to ?”

2. After the receipt of the reference, it was taken on file as I.D. No. 51/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Petitioner Union espouses the cause of one Sri A. Veeramani, who was appointed as a messenger at Sattur branch on 8-12-90. The concerned employee was working in T. Nagar branch in the year 1998 and his acts were duly commended by the authorities of the Respondent/Bank. While so, due to his ill health the concerned employee could not attend his duty from 5-2-99 to 15-12-99. During the period of illness, he has been submitted leave letters supported by medical certificates from Doctors who attended on him. None of the leave letters submitted by concerned employee was ever rejected or returned. Nor did the Respondent/Bank directed the concerned employee to appear before any duly constituted medical board. The concerned employee after recovering from his illness reported for duty on 16-12-99, but the Branch Manager refused to allow him to join duty on that date. According to the bank, the concerned employee supposed to have left the services of the bank as he was not interested in continuing the bank service any more. But, the concerned employee has not received any such communication from the Respondent/Bank at any point of time. On 8-4-2000 the concerned employee had made a representation to Assistant General Manager (PAD) enclosing copy of the leave letters and medical certificates submitted by him in the months of May, July and November, 1999. But the Respondent/Bank rejected the request of the concerned employee and failed to provide employment and therefore, the Petitioner union raised this dispute before the Regional Labour Commissioner (Central) and on the failure of conciliation, the matter was referred to this Tribunal for adjudication. The Respondent/Bank contended that they have acted as per clause 17 of Bipartite Settlement in this matter. But, no such letter dated 15-9-99 was received by the concerned employee. The Petitioner union has contended

that clause 17 of Bipartite Settlement has been deleted consequent upon the judgement of Supreme Court in the case of Uptron India Ltd. Vs. Shammi dated 6-2-98 and Scooters India Ltd. Vs. Mohammed Yakub dated 21-11-2000. Since no departmental enquiry was conducted nor any notice was served on the concerned employee showing the gravity of the misconduct and no opportunity was given to the concerned employee to defend his case, no principles of natural justice was complied with and therefore, there is statutory violation committed by the Respondent/Bank, which renders the order passed by the Respondent/Bank as unsustainable in law. Hence, the Petitioner Union prays that the concerned employee is entitled to reinstatement with back wages, continuity of service and requests this Tribunal to pass an award in favour of the concerned employee.

4. As against this, the Respondent in its Counter Statement contended that it is not a case where the Petitioner himself forfeited his right of employment by his own conduct in terms of Clause 17 of Bipartite Settlement, which says that *“when an employee absents himself from work for a period of 90 or more consecutive days, without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/ subsequently or when there is a satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties, the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of notice, stating inter-alia the ground for coming to the conclusion that the employee had no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days of the notice or gives an explanation for his absence within the said period of 30 days satisfying the management he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service”*. In this case, even in spite of the Petitioner having been put on notice dated 15-9-99, he did not choose to report for duty within thirty days nor did he give any satisfactory explanation for his absence. Therefore, the Respondent/Bank was justified in invoking Clause 17 and treated him to have voluntarily retired from service. Further, the Respondent/Bank had sent two letters asking him to report for duty and they were sent on 20-6-99 and 13-7-99 respectively. In spite of having

received the same, the Petitioner did not bother either to report for duty or to send a reply. A notice under Clause 17 of Bipartite Settlement was sent to the Petitioner on 15-9-99. The said letter was sent to his last known address but was returned with an endorsement 'left—door locked'. Therefore, on 25-10-99 a final order was passed to the effect that his unauthorised absence was treated as voluntary retirement from service of the bank. Therefore, the Petitioner's non-employment is justified. Further, mere submission of leave letters with medical certificates are not enough and it does not amount to sanctioning of leave. The concerned employee did not satisfy the bank that he was under medical care between 5-2-99 and 15-12-99. At least, he could have sent a reply explaining the position to the aforesaid letters dated 26-6-99 and 13-7-99 sent by the bank. On the other hand, he did not even bother to reply. Though the Petitioner alleged that the concerned employee's services were appreciated by the officers of the bank, he was a chronic absentee from duty. Further, he was involved in outside borrowings and frequently absented himself unauthorisedly from the bank. Therefore he was issued with a charge sheet dated 11-5-96 for remaining unauthorisedly absent from 5-2-96 onwards. Though he submitted a reply, the bank has been taking lenient view, he was given the punishment of censure. But, despite this, he did not improve himself and he was again chargesheeted for the second time in the very same year for remaining unauthorisedly absent for the period from August to November, 1996. A show cause notice was issued as to why punishment of stoppage of one annual increment should not be imposed and since his reply was unsatisfactory, a final order was passed on 30-5-97 which was confirmed by the Appellate Authority and he was also cautioned if he repeats such lapses, a more serious view would be taken. Even after that, the Petitioner did not improve himself. In September, 1997, the Respondent/Bank received a complaint from a party Mr. Chinnachamy a clerk working in Canara Bank, Srivilliputhur branch stating that the concerned employee had taken Rs. 50,000 from him promising to get employment for his son and he further stated that a cheque issued by the Petitioner had bounced. For the memorandum issued by the respondent/Bank, the concerned employee has not submitted any reply, on the contrary, he unauthorisedly absented himself and after the Respondent/Bank asked him to report for duty immediately, he reported to duty only on 2-2-98. Further, the concerned employee indulged in outside borrowings and cheques issued by him during January, 1999 were bounced for want of funds. Again, he absented for duty from 5-2-99 and therefore, the Respondent/Bank sent a letter dated 26-6-99 asking him to report for duty, though he acknowledged the letter he neither reported for duty nor sent any reply. Therefore, the Respondent/Bank has sent another letter dated 13-7-99 which also met with the same fate. The concerned employee absented himself

for more than 90 days without sanctioned leave. Even after the bank's notice dated 15-9-99, the Petitioner has not reported for duty within thirty days. Therefore, the Respondent/Bank passed a final order dated 25-10-99 removing his name from the rolls on the ground that he has voluntarily retired from service. Hence, the Respondent prays that the claim of the Petitioner is liable to be dismissed with costs.

5. In these circumstances, the points for my consideration are —

- (i) "Whether the order of voluntary retirement from service passed by the Respondent/Management against Sri A. Veeramani is legal and justified?"
- (ii) "To what relief the concerned workman is entitled?"

Point No. 1 :—

6. In this case, the concerned employee Sri A. Veeramani was examined as WW1 and on their side Ex. W1 to W14 were marked and on the side of Respondent/Management one Smt. R. Mahalaxmi was examined as MW1 and documents Ex. M1 to M17 were marked.

7. The case of the Petitioner Union, which espouses the cause of the concerned employee Sri A. Veeramani, is though the concerned employee has absented for duty, no show cause notice was issued nor called for any explanation from his and no enquiry was conducted giving the delinquent employee namely Sri A. Veeramani an opportunity. Further, no second show cause notice was issued and even though the Respondent alleged that notices were sent as per Clause 17 of Bipartite Settlement all the communications were addressed to the Petitioner knowing fully well that he is not available in the said address. Further, the Respondent/Management did not take any action to give a paper publication when there was no response for any of their communications. Further, it is contended on behalf of the Petitioner that the Petitioner in each occasion has informed the Respondent/Bank about his leave and the said leave application was not rejected by the Respondent hence, it is not the case of unauthorised absence as alleged by the Respondent/Bank. It is further contended on behalf of the Petitioner that it was held by the Supreme Court in various cases that voluntary retirement can be passed only in extraordinary cases when a person is mentally or physically handicapped and therefore, the order impugned passed in this case without conducting proper enquiry is bad in law and it has to be set aside. The learned counsel for the Petitioner further contended that the Petitioner has got blemishless record of service and in addition to the work allotted to him the Petitioner has performed the duties of higher officers by securing deposits and making recovery of advances and this will be proved by Ex. W5 which are

indent from appreciation letters for deposit and mobilisation given to the Petitioner. Since the Petitioner was affected due to enteric fever, he was forced to take leave on medical grounds from 5-2-99 to 15-12-99 for which he has submitted leave letters supported with medical certificates. The said leave letters were neither returned nor rejected which is evidenced from Ex. W6 series. On 16-12-99 when the Petitioner wanted to join duty, he was restrained by the Manager from joining the duty and no reason was given for his refusal. Even though the Petitioner had made several representation to the Respondent authorities, the request of the Petitioner was rejected by the Respondent by letter dated 19-4-2000 and therefore, there is no valid reason for rejecting the claim of the Petitioner. Even though, the Respondent contended that they have sent letters on 26-6-99 and 13-7-99 these letters were not received by the Petitioner. Further even though the Respondent has stated that on 15-9-99, they have sent a letter requesting the Petitioner to join duty within 30 days and failing which an order of voluntary cessation of employment, this communication was also not received by the Petitioner. Therefore, the order passed on 25-10-99 by the respondent is of no use. Further, even this order was not received by the Petitioner. Under such circumstances, not valid enquiry was conducted before terminating the services of the Petitioner and no notice was served on the Petitioner. Under such circumstances, the Petitioner is entitled to the relief claim by him.

8. But, as against this, on behalf of the Respondent it is contended that the concerned employee Mr. A. Veeramani even though was appointed as messenger in the Respondent/Bank, the previous record of the said employee is not happy. Even on 15-5-1996 the concerned employee was issued with a charge sheet for his unauthorised absence from 5-2-1996 and since his explanation was not satisfactory, he was given the punishment of censure hoping that he will improve himself. But even after that the concerned employee did not improve and therefore, another charge sheet dated 17-12-96 was issued for his unauthorised absence from 5-2-96 to 15-12-96. After enquiry, the punishment of stoppage of one annual increment was imposed on the concerned employee which was also confirmed on appeal, which are proved by Ex. M11. In the year 1997, the Respondent/Bank received a complaint, a copy of which is marked as Ex. M12 from one Mr. Chinnasamy a clerk working in Canara Bank saying that the concerned employee has taken Rs. 50,000 promising to get a job for his son. It is further alleged therein that the cheque issued by the concerned employee in favour of Mr. Chinnasamy for Rs. 1000 was bounced. For this, the Respondent/Bank called for an explanation from the concerned employee, but he did not bother to send any reply. But, again he went on unauthorised leave, therefore, the bank issued a letter dated 2-2-98 asking him to report for work

immediately. Only after the receipt of letter the concerned employee Sri A. Veeramani reported for work. Even after that the Respondent/Bank received so many complaints against him with regard to the cheque issued him to third parties were get bounced and again he absented himself unauthorisedly and Respondent/Bank received several complaints from the branch and copies of such complaints are marked as Ex. M16 series. Though it is alleged that the concerned employee had sent leave letters since they were not in proper form, they were not granted, further, there was no leave to his credit. It was also informed to the concerned employee to his last known address. Under such circumstances, the Respondent/Bank invoked Clause 17 of Bipartite Settlement which says that when an employee absents himself from work for a period of 90 days or more consecutively without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/subsequently or when there is a satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duty, the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of notice, stating *inter alia* the ground for coming to the conclusion that the employee had no intention of joining duty and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days of the notice or gives an explanation for his absence within the said period of 30 days satisfying the management he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service. The learned counsel for the Respondent argued that even in spite of the Petitioner having been put on notice on 15-9-99, he did not report for duty within thirty days nor did he give any satisfactory explanation for his absence. Therefore, the Respondent/Bank was justified in invoking clause 17 of the Bipartite Settlement in this case and treated him as voluntarily retired from service. He relied on the rulings reported in 2000 2 LLN 942 SYNDICATE BANK Vs. GENERAL SECRETARY, SYNDICATE BANK STAFF ASSOCIATION AND ANOTHER wherein in a similar case, the Supreme Court has held that "the requirements of principles of natural justice which are required to be observed are —(i) the workman should know the nature of the complaint or accusation; (ii) an opportunity to state his case; and (iii) the management should act in good faith which means that action of the management should be fair, reasonable

and just." The Supreme Court has further held that "all these three criteria have been fully met in the present case. The principles of natural justice are inbuilt in Clause 16 of Bipartite Settlement. When evidence was led before the Tribunal, the bank produced the registered covers which had been received back with the endorsement 'refused and the addressee not found during delivery time.' The employee said he never refused to receive the notice. In this circumstance, the Tribunal thought it necessary to hold that notice was not served on Dayananda, the concerned employee as the bank did not examine the postman. The notice was sent on the correct address of the employee and it was received back with the postal endorsement 'refused'. A clear presumption arose in favour of the bank and against the employee. Yet the Tribunal held that no notice was given to the employee as postman was not produced by the bank. This appears to be rather an incongruous finding by the Tribunal ..... The bank has followed the requirements of Clause 16 of Bipartite Settlement and it rightly held that the employee has voluntarily retired from service of the bank. Under such circumstances, it was not necessary for the bank to hold any enquiry before passing the order. The enquiry would have been necessary if the employee had submitted his explanation which was not acceptable to the bank or contended that he did report for duty but was not allowed to join by the bank. Nothing of the like has happened here. Assuming for a moment that enquiry was necessitated, evidence led before the Tribunal clearly showed that notice was given to the employee and it is he who defaulted and offered no explanation of his absence from duty and did not report for duty within 30 days of the notice as required in Clause 16 of Bipartite Settlement. This undue reliance on the principles of natural justice by the Tribunal and even by High Court had certainly led to miscarriage of justice as far as bank is concerned." The second judgement relied on by the learned counsel for the Respondent is reported in 2001 (1) LLN 758 PUNJAB AND SIND BANK AND OTHERS Vs. SAKATTAR SINGH, wherein the Supreme Court in a similar situation has held that "a reading of clause 16 of IV Bipartite Settlement will make it clear that in the event of an employee absents himself from duty for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended the management may at any time thereafter give a notice to the employee at the last known address calling upon him to report for duty within 30 days of notice stating *inter alia* the grounds for the management coming to the conclusion that the employee has no intention of joining duty and furnishing necessary evidence wherever relevant and unless the employee reports for duty within 30 days of the notice or gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and he has no intention of not joining the duty, the employee will be deemed to have been voluntarily retired from the bank's service on expiry of time fixed in the said notice. Thus, in this case

there is no punishment for misconduct but only to notice the realities of situation resulting from long absence of an employee from work with no satisfactory explanation thereto. Principles of natural justice cannot be examined in vacuum without reference to the fact situation arising in the case. This rule has been incorporated in an agreement where representatives of employees unions were party. They also realised the futility of continuing a situation when an employee without appropriate intimation to the management is playing truant. The learned counsel for the Respondent further contended that though the concerned employee claimed that several communications regarding his illness were sent along with medical certificates to grant leave, it was clearly intimated to the concerned employee that his medical leave applications were not in proper form and therefore, it was not granted and further, there was no leave at his credit. Under such circumstances, it cannot be said that he has sent several communications regarding his illness or to extend his leave for the period of his absence. These letters were sent to the last known address of the concerned employee and therefore, it cannot be said that he has not been informed with regard to rejection of his leave. Further, the learned counsel for the Respondent contended that even in cross examination he has stated that he has not informed his change of address to the Respondent/Management. Under such circumstances, the action taken by the Respondent/Management is just and fair and this Tribunal at this juncture cannot interfere with the order passed by the Respondent/Management.

9. I find much force in the contention of the learned counsel for the Respondent because in this case, even after the notice under Clause 17, the concerned employee has not attended the office nor has given any explanation for his long absence. Under such circumstances, the Respondent has got every right to take action under clause 17 of the Bipartite Settlement and therefore, the bank will presume that he is deemed to be retired voluntarily from service. As such, I find this point against the Petitioner Union.

#### Point No. 2 :—

The next point to be decided in this case is to what relief the concerned employee is entitled ?

10. In view of my foregoing findings that the order passed by the Respondent/Management against the concerned employee Sri A. Veeramani is legal and justified, I find the concerned employee is not entitled to any relief as prayed for by the Petitioner Union. No Costs.

11. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 14th February, 2005).

K. JAYARAMAN, Presiding Officer

**Witnesses Examined :—**

For the I Party/Claimant : WW1 Sri A. Veeramani

For the II Party/Management : MW1 Smt. R. Mahalakshmi

**Documents marked :—****For the I Party/Claimant :—**

Ex. No.	Date	Description
W1	01-12-90	Xerox copy of the appointment order
W2	08-06-91	Xerox copy of the transfer order
W3	14-06-93	Xerox copy of the transfer order
W4	16-11-98	Xerox copy of the transfer order
W5	Nil	Xerox copy of the appreciation letters for deposit Mobilisation
W6	05-02-99	Xerox copy of the medical certificates
W7	03-06-99	Xerox copy of the fitness certificate
W8	19-04-00	Xerox copy of the reply from Respondent
W9	31-07-00	Xerox copy of the dispute raised before Regional Labour Commissioner (Central)
W10	22-01-01	Xerox copy of the proceedings before Assistant Labour Commissioner (Central)
W11	12-12-01	Xerox copy of the letter from Union to Regional Labour Commissioner (Central)
W12	08-04-00	Xerox copy of the letter from Petitioner to Respondent
W13	Nil	Xerox copy of the medical certificate issued to Concerned employee
W14	Nil	Xerox copy of the blood donation certificates issued to Concerned employee

**For the II Party/Management :—**

Ex. No.	Date	Description
M1	26-06-99	Xerox copy of the letter from Respondent to concerned Employee
M2	13-08-99	Xerox copy of the letter from Respondent to Veeramani

M3	15-09-99	Xerox copy of the notice of voluntary cessation of Employment
M4 series Nil		Xerox copy of the acknowledgement cards & covers.
M5	25-10-99	Xerox copy of the letter issued to Veeramani to Addresses given by him to Respondent/Bank
M6	11-05-96	Xerox copy of the charge sheet
M7	03-06-96	Xerox copy of the letter sent to Veeramani by Disciplinary Authority
M8	17-12-96	Xerox copy of the charge sheet
M9	14-05-97	Xerox copy of the letter to Veeramani by the Disciplinary Authority
M10	30-05-97	Xerox copy of the letter to Veeramani by Disciplinary Authority
M11	26-02-98	Xerox copy of the appellate order
M12	Nil	Xerox copy of the letter from G. Chinnasamy
M13	19-11-97	Xerox copy of the letter to Veeramani
M14	02-02-98	Xerox copy of the letter to Veeramani
M15	Nil	Xerox copy of the acknowledgement card.
M16 series Nil		Xerox copy of the internal correspondence
M17	10-08-99	Xerox copy of the internal correspondence

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1561.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या आई. डी. 13/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-3-2005 को प्राप्त हुआ था।

[सं. एल-12011/156/2004-आई. आर. (बी.-II)]  
सी. गंगाधरण, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1561.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. 13/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 29-3-2005

[No. L-12011/156/2004-IR (B-II)]  
C. GANGADHARAN, Under Secy.

### ANNEXURE

### THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday the 22nd February, 2005

**Present : K. JAYARAMAN**, Presiding Officer

### INDUSTRIAL DISPUTE NO. 13/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Vijaya Bank and their workmen).

### BETWEEN

The Joint Secretary, : I Party/Claimant  
Vijaya Bank Workers  
Organisation, Chennai.

### AND

The Assistant General : II Party/Management  
Manager, Vijaya Bank,  
Chennai.

### APPEARANCE :

For the Claimant : Mr. S. D. Srinivasan,  
Authorised Representative

For the Management : None

### AWARD

The Central Government, Ministry of Labour vide Order No. L-12011/156/2004-IR (B-II) dated 04-1-2005 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :

“Whether the action of the management of Vijaya Bank, Chennai in imposing the punishment of ‘reduction to a lower stage in the scale of pay by two stages for a period of one year with cumulative effect’ upon Shri V. R. Meyyappan, Special Assistant is legal and justified? If not, what relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 13/2005 and notices were issued to both the parties and at the first hearing the Petitioner appeared in person and filed Claim Statement and he has also filed a memo stating that he has got objection for engaging an advocate for the Respondent. Though the Respondent advocate appeared before this Court and represented to file a vakalat, since under section 36(4) of the Industrial Disputes Act, 1947 the Petitioner has objected for Respondent's representation through advocate, the advocate for the Respondent withdrawn his vakalat and the case was posted for appearance of Respondent for next hearing on 15-2-2005. But on 15-2-2005, the Respondent has not appeared before this Tribunal nor any representation made on behalf of the Respondent. Therefore, the Respondent was set ex-parte and orders were reserved for passing an award with the available records.

3. The Petitioner Union espouses the cause of the concerned employee Mr. V. R. Meyyappan, special assistant working in the Respondent/Bank at Karaikudi branch. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

Mr. V. R. Meyyappan, Special Assistant working at Karaikudi branch of Respondent/Bank was served with a charge sheet that alleged the acts of misconduct said to have been proved in the domestic enquiry. There are eight charges framed against the concerned employee, seven under major misconducts and one under minor misconduct. The concerned employee on 1-6-2002 requested the Disciplinary Authority to accord permission to inspect certain documents and to take copies, but the Disciplinary Authority through his letter dated 7-6-2002 declined the employee to inspect the documents and however, advised him to submit his reply or explanation before 15-6-02. Again, the concerned employee has given a representation on 18-6-02 to inspect the documents and grant time upto 26-6-02 to submit his statement of defence after inspection of documents. However, no reply was received from the Disciplinary Authority. But surprisingly, the Disciplinary authority by his letter dated 22-6-02 permitted the concerned employee to inspect and take copies of documents and submit his reply on or before 10-7-02. Thereafter the concerned employee submitted a letter to the Branch Manager, Karaikudi to allow him to inspect the documents and to take copies. But to his surprise, the Branch Manager, Karaikudi branch by letter dated 10-7-02 refused permission to inspect the documents and insisted on specific reasons to inspect the documents. In the mean time, the Branch Manager was appointed as Enquiry Officer in that case and the Enquiry Officer by his letter dated 17-7-02 advised the concerned employee to give reasons for inspection of documents and to take copies thereof. Again the concerned employee addressed the Disciplinary Authority and the Disciplinary



Authority in turn vide letter dated 24-07-02 denied permission to have documents before the enquiry and informed that appointment of an officer as Enquiry Officer from outside the panel of Enquiry Officer was not within the purview of workman's discretion. Subsequently, in the enquiry, the concerned employee was denied an opportunity to defend himself after seeing the documents. The Enquiry Officer with a testimony of branch officials, whose attitude and approach were negative from the beginning like denial of permission to access the documents, has come to the conclusion that the charges have been proved against the concerned employee. Even after completion of enquiry, the concerned employee's request to make available the copy of written submissions of Presenting Officer was denied by the Enquiry Officer. Even after the 2nd show cause notice his request for personal hearing was denied by Disciplinary Authority. Therefore, a fair and reasonable opportunity to defend the charges framed against the concerned employee was denied by the Respondent/Bank. Even in domestic enquiry the valid documents with regard to charge No. 8 has been squarely denied. Even the oral evidence given in domestic enquiry has not established the allegations made against the concerned employee. All these things clearly prove the fact that there was no application of mind to the facts and circumstances of the case while arriving at the decision on the part of the Disciplinary Authority and the same amounts to wrongful exaction. Even the appeal filed against that order has been treated in a casual manner and Appellate Authority has also not applied his mind and the Appellate Authority was the same authority who during his capacity as Disciplinary Authority served the charge sheet on the concerned employee and who denied permission to have access to the documents. Therefore, the dismissal of appeal by the same authority who served charge sheet on the concerned employee is a total and clear violation of principles of natural justice and with a prejudiced attitude he has rejected the contention of the concerned employee. Further, the punishment imposed is not one of the punishments enumerated in Memorandum of Settlement dated 10-4-2002 on disciplinary matters. Hence, for all these reasons, the Petitioner Union prays that this Tribunal to pass an award setting aside the punishment imposed on the concerned employee with consequential relief.

4. In these circumstances, the points for my consideration are —

"To what relief the concerned employee is entitled?"

**Point No. 1 :—**

5. As I have already point out, the Respondent remained absent and was set ex-parte. In this case, the Petitioner union alleged that the action taken against the concerned employee namely Mr. V. R. Meyyappan is not

in accordance with the established principles and procedure laid down under the settlement. Further, the concerned employee was not given reasonable opportunity to defend his case and each and every time, the Enquiry Officer has rejected the request of the concerned employee.

6. As against this, there is no contrary allegation on the side of the Respondent/Management. From the records, I find that the allegation made by the Petitioner Unions seems to be proved and as such I find this point in favour of the Petitioner Union.

**Point No. 2 :—**

The next point to be decided in this case is to what relief the concerned employee is entitled ?

7. In view of my foregoing findings that the allegations made by the Petitioner are true against the order passed by the Respondent/Management, I find this point in favour of the Petitioner. Therefore, I set aside the punishment imposed on the concerned employee by the Respondent/Management and I direct the Respondent/Management to restore the increments with all other attendant benefits. No Costs.

8. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 22nd February, 2005).

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 29 मार्च, 2005

**का. आ. 1562.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करूर वैश्य बैंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 70/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-03-2005 को प्राप्त हुआ था।

[सं. एल-12012/300/2002-आई. आर. (बी.-I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th March, 2005

**S.O. 1562.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Karur Vysya Bank Ltd. and their workman, which was received by the Central Government on 28-03-2005

[No. L-12012/300/2002-IR (B-I)]

C. GANGADHARAN, Under Secy.



**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR**  
**COURT, CHENNAI**

Wednesday the 9th February, 2005

**PRESENT : K. JAYARAMAN, Presiding Officer**

**INDUSTRIAL DISPUTE NO. 70/2003**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Karur Vysya Bank Ltd. Karur and their workmen).

**BETWEEN**

Sri P. Nallaswamy : I Party/Petitioner

**AND**

The Manager, : II Party/Management  
 Karur Vysya Bank Ltd.  
 Karur.

**APPEARANCE :**

For the Petitioner : M/s. D. Hariparanthaman,  
 Advocates

For the Management : M/s. T. S. Gopalan & Co.,  
 Advocates

**AWARD**

The Central Government, Ministry of Labour vide Order No. L-12012/300/2002-IR (B-I) dated 10/17-04-2003 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :

“Whether the punishment of dismissal from service imposed on Shri P. Nallaswamy by the management of Karur Vysya Bank is legal and justified ? If not what relief the workman is entitled to ?”

2. After the receipt of the reference, it was taken on file as I.D. No. 70/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Petitioner joined the services of the Respondent/Bank as a clerk on 20-12-1978. During the year 1987 the Petitioner was posted to work as a clerk at Pethampalayam branch. Apart from him one Branch Manager and one sub-staff alone were working in the said branch. As per circulars and directives in force, the clerk will have to perform the cashier work in such single-

man branches. However, after Sri K. Kanakaraj assumed charge as Branch Manager of the said branch, he himself looked after the cashier work and the Petitioner was asked to perform other works. In single man branch the Manager and Clerk will have to act as joint custodians. The cashier has to maintain cash scroll and the Branch Manager has to maintain another scroll so as to verify each cash transaction for the day. However, the Branch Manager looked after the cashier work by himself contrary to the circulars, he maintained only one cash scroll to be maintained as a cashier. As a joint custodian the Petitioner was responsible for physical cash placed in safe at the end of the day's transaction and the number of jewel bags and number of stationery books and not for the quantities or the number of jewels in the jewel bags and also not for the number of leaves in the stationery books. After the transfer of Mr. Kanakaraj, one Mr. Tamil Selvan took charge as Manager of that branch. It seems Mr. Kanakaraj, the erstwhile Branch Manager of Pethampalayam branch took the keys of the branch from the new Manager and made an attempt to burn the records in the absence of new Manager. But, due to intervention of local people, the records were saved from being burnt further. Only thereafter, the Central Office has sent official to look into the matter and investigate the same. Only after that it came to light that earlier the Branch Manager Mr. Kanakaraj had committed several frauds and misappropriated bank's money by several means and methods. Therefore, the Respondent/Bank instead of taking action against the then Branch Manager Mr. Kanakaraj, issued a charge memo dated 18-8-97 alleging negligence against the Petitioner and levelled six charges against him and alleged that the then Branch Manager has committed frauds only due to the negligence of the Petitioner. The first charge is that the Petitioner has failed to verify cash denomination book on 18-11-95 thereby the fraud committed by the other joint custodian did not come to light. Secondly, the other joint custodian Sri K. Kanakaraj placed Rs. 95,000 in the safe, whereas entered as Rs. 1,15,000 in the cash-in-and-out register on 18-11-95 and the entry was authenticated by the Petitioner as a joint custodian of the bank. Then he failed to verify the actual cash placed in the safe on 18-11-95. Thirdly, the Petitioner did not verify and authenticate the entries in cash-in-and-out register on 28-12-95 to 5-1-96 as joint custodian of the bank branch. Fourthly, the Petitioner did not ensure that cash-in-and-out register was maintained on and after 25-4-96. Fifthly, the Petitioner did not verify closing cash balance on 25-8-97 kept in the safe and sixthly, on 11-12-96 the Petitioner had written a D. D. bearing No. 965084 on Erode branch in favour of Sri G. Chandrasekaran. But on the same date, the Petitioner failed to ensure that remaining draft leaves in D. D. book and other security items were kept under joint custody at the close of the day's transaction. Thus, the Petitioner was negligent in performing his duties, failed

and neglected to follow the systems and procedure and acted prejudicial to the interest of the branch causing loss to the bank. But the allegation against the Petitioner is a clear case of victimisation and he is made as a scapegoat and victim for the fraud committed by the Branch Manager for no fault of his. The Petitioner then requested to provide some documents. But the Disciplinary Authority by a letter dated 10-9-97 directed to furnish the documents pertaining to relevant dates mentioned in charge memo alone and refused to order for documents pertaining to previous and subsequent days on the ground that those documents were not relevant. Further, Branch Manager did not provide the cash scroll for 25-3-97 on the ground that it was fully destroyed in fire. Even in the enquiry the Presenting Officer put questions to the management witnesses regarding 20-11-95. Further, the Enquiry Officer has over ruled the objection of defence representative that when the workman asked for documents pertaining to 20-11-95 he was denied the same on the ground that it was not relevant. However, contrary to their own decision, the Enquiry Officer allowed the Presenting Officer to mark the cash scroll for 20-11-95. Therefore, the action of the Enquiry Officer was biased and one sided. Even though the management witness has admitted that unaltered closing cash balance in main day book and cash scroll for 18-11-95 is the same, and even though he has admitted that there was no alteration in Cash-in-and-out register for 18-11-95 and in subsidiary day book written by the Petitioner on 18-11-95, the Enquiry Officer has come to a conclusion that the charges framed against the Petitioner were proved. Therefore, the findings of the Enquiry Officer are biased, perverse and contrary to evidence and materials on record and his findings was not supported by any legal and acceptable evidence. The Disciplinary Authority also simply agreed with the findings of the Enquiry Officer and issued show cause notice proposing punishment of dismissal and also passed order of discharge. The charge memo alleging failure to follow the system and procedure by the Petitioner is vague and non-specific. The reason given by the bank for not furnishing documents to Petitioner was false and incorrect. Therefore, the domestic enquiry is vitiated and the order of dismissal is illegal and hence the same is liable to be set aside. During the pendency of the above enquiry, when the Petitioner was continued to be under suspension, the Respondent/Management issued another charge memo dated 24-11-98 wherein three charges were levelled against the Petitioner. In that the first allegation was that he availed loan in the name of one Mr. C. Murugan with a view to derive undue pecuniary benefits, secondly, he borrowed money from Bank of India against NSC and failed to repay the due which gave room for the said bank to make complaint to Respondent/Bank which affected the image of the bank and it was prejudicial to the interest of the bank and thirdly, he took a cheat from one M/s. Sakthi

Finance and failed to repay the same which gave them room for filing a criminal case for dishonour of cheque and it affected the image of the bank and it was prejudicial to the interest of the bank. But taking disciplinary action for his private conduct and affairs which has nothing to do with his employment was mala fide and illegal. Even without giving an opportunity, the Respondent has ordered enquiry. There was no evidence to prove that jewels pledged by Mr. Murugan belonged to the Petitioner/Workman. With regard to second and third charges they are private affairs for which no disciplinary action could be taken against him. Any how, with regard to loan received from Bank of India it was against the NSC that he purchased and it was a secured loan and therefore, there was no loss or prejudice for the Bank of India. It is also independent of his employment and therefore, the Respondent/Bank cannot take any action and punish the Petitioner. Further, merely because Sri Sakthi Finance and Bank of India wrote letters to Respondent/Bank it cannot be said that the image of Respondent/Bank was affected and it was prejudicial to the interest of the bank. Any how, the Disciplinary Authority proposed to impose the punishment of dismissal for the above charge and further on 7-12-99 the Disciplinary Authority discharged the workmen from service for these charges. The order passed by the authorities are illegal and the Respondent/Bank cannot discharge the Petitioner by way of punishment when he was already dismissed from service by an order dated on the same day. Further, considering his long unblemished service, the Tribunal has got every right to interfere with the punishment under Section 11A of the Act and therefore, the Petitioner prays that an award may be passed to reinstate him in service with continuity of service, back wages and other attendant benefits.

4. As against this, the Respondent in its counter statement contended that the Respondent is a banking company and every branch is functioning under the control of Branch Manager. In a branch where there is only one officer, who will be the Manager, the clerk who is incharge of the cash section and who is being paid special allowance for handling the cash section will be the joint custodian. Therefore, no employee who acts as a joint custodian can avoid the liability for the loss or shortage by way of any explanation and justification for his conduct or by reference to supervening circumstances. No doubt the Petitioner was working as a clerk in the Pethampalayam branch from 8-7-87. It was a branch with a Branch Manager, a clerk and a sub-staff. It is also true that the Branch Manager Sri K. Kanagaraj was also attending to the duties of cashier and as Branch Manager. The Petitioner being a clerk, the only other employee was a joint custodian holding the second set of keys of the branch. In May, 1997 Sri K. Kanagaraj was transferred from Pethampalayam branch to Kannanur

branch and in his place one Mr. Tamilselvan was posted as Branch Manager. It is learnt that Mr. Kanagaraj has set fire to the branch records and fortunately by the timely intervention of landlord of the premises, the fire was put out. This conduct of Mr. Kanagaraj in setting fire to branch records forced the bank to make a detailed investigation. In that investigation, it transpired that Mr. Kanagaraj had perpetrated a fraud on the bank by unauthorisedly removing cash before placing the cash in safety locker after the cash on the relevant date was fully accounted and the cash balance was drawn, that on another occasion by altering the closing cash balance, he had removed Rs. 5,00,000 before the cash was kept in the safe vault and on yet another occasion, he had used the bank security stationery namely DD forms for issue of drafts with no consideration received. All these could be done by Mr. Kanagaraj, the then Manager of the branch due to the gross negligence of the Petitioner. Mr. Kanagaraj had removed the cash on both occasions before the cash was placed inside the safe and also altered the cash coinwar register. Since the Petitioner failed to verify the cash when it was placed inside the safe and also did not verify the coinwar register, it was taken place. It is further revealed that the Petitioner was not only lacking diligence in discharge of his duties but also acted in a grossly negligent manner which had emboldened Mr. Kanagaraj to resort to such fraudulent acts of misconduct of unauthorised removal of cash and unauthorised use of bank's security stationery and it resulted in a loss of Rs. 49.90 lakhs to the Respondent/Bank. Therefore, charge sheet was issued to the Petitioner charging him with misconduct under para 19.5(j) of Bipartite Settlement and calling upon him to show cause why disciplinary action should not be taken against him. Since his explanation was not satisfactory, domestic enquiry was ordered. The Enquiry Officer gave his report holding that charges levelled against the Petitioner were duly proved. Thereafter, the Disciplinary Authority issued notice proposing punishment of dismissal and directed him to appear for personal hearing. Further, the Respondent/Bank pays its employees handsome remuneration besides providing excellent service conditions. Further, the Respondent/Bank is run purely on the basis of faith and confidence reposed in the employees. As the employees of the bank have to deal with cash of the bank and public, any employee who is highly indebted is considered as grave risk for handling the cash or for making entries and thereby rendering himself unsuitable for continuance in the employment. In order to ensure that the employees do not resort to external borrowings and thereby get into a debt trap, bank gives house building loan, vehicle loan, consumer credit loan, jewel loan, instalment loans etc. Further, all these loan facilities are granted at concessional rate of interest and therefore, extensive indebtedness is treated as a grave misconduct warranting drastic punishment. One of the

agricultural loans is called jewel loan which is sanctioned against pledge of gold ornaments and this is purely an agricultural loan at concessional rate of interest and it is not available to employees of the bank. If an employee wants to avail a loan by pledging his jewels, he will have to pay higher rate of interest than the rate of interest available for agriculturists. Further the Respondent/Bank received a copy of letter dated 8-7-1997 from Bank of India, Nallampatti addressed to Petitioner referring to his outstanding loan amount of Rs. 31,919 and directing him to pay the loan immediately. On 6-11-97 the said branch directly addressed a letter to Branch Manager of Pethampalayam of Respondent/Bank informing him that the Petitioner had availed loan of Rs. 15,000 by pledging NSC promising to repay the entire amount within a year and he failed to repay the loan and an amount of Rs. 33,676 was due with interest from 1-10-97. Further, M/s. Sakthi Finance made a complaint that in April, 1997 the Petitioner joined a chit for Rs. 5,00,000 and in second auction he had bid for Rs. 67,500 that he had collected the sum of Rs. 30,000 in cash by giving a blank cheque drawn on Canara Bank and he did not pay the subsequent instalments and he was still owing Rs. 80,000 plus interest. Therefore, the Respondent/Bank issued charge sheet for his act of misconducts. Since the bank's name was prejudicially affected and also affected the interest of the bank. For the charges, the Petitioner did not give any explanation and therefore, an enquiry was conducted and in that the Enquiry Officer has held that charges framed against the Petitioner were duly proved and the Disciplinary Authority awarded the punishment of dismissal from service. Therefore, for the misconducts enumerated in charge sheets dated 18-8-97 and 24-11-98, the order of termination is perfectly justified and valid in law and the same should not be interfered with. As the joint custodian the Petitioner is answerable and liable for cash, jewels, securities and other assets of the branch kept in safe vault/strong room. It is not correct to say that Petitioner was not responsible for physical cash or number of jewels or security stationery. Since the Petitioner failed to perform his duties as a joint custodian and it amounts to negligence which enabled the Branch Manager to commit fraud on the Respondent/Bank causing loss to the extent of Rs. 49.5 lakhs. As a joint custodian the Petitioner was equally responsible irrespective of the circumstances in which the loss was occasioned or whether the Petitioner had any role to play in causing the loss. Further the excessive indebtedness is an act of misconduct for which disciplinary action can be initiated and punishment be awarded. Therefore, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are :—

- (i) "Whether the punishment of dismissal from service imposed by the Respondent/Management on the Petitioner is legal and justified ?"

(ii) "To what relief, the Petitioner is entitled?"

**Point No. 1 :**

6. In this case two charge sheets were issued to the Petitioner Sri Nallaswamy. The first charge sheet contains six allegations. The first allegation is that he failed to verify cash denomination book on 18-11-95 thereby the fraud committed by other joint custodian namely the then Manager Mr. K. Kanagaraj did not come to light and the joint custodian altered Rs. 10,000 under serial No. 2 of cash scroll as Rs. 30,000, Rs. 50,000 and Rs. 30,000 under safe column in cash denomination book and defrauded the bank to an extent of Rs. 20,000. The second allegation is that joint custodian Mr. K. Kanagaraj placed Rs. 95,000 in the safe whereas entered as Rs. 1,15,000 in cash-in-and-out register on 18-11-95. The entry was authenticated by the Petitioner also as one of the joint custodians of the bank and thus he failed to verify the actual cash placed in the safe on 18-11-95. The third and fourth allegations are that the Petitioner did not verify and authenticate entries in cash-in-and-out register from 28-11-95 to 5-1-96 as joint custodian and he did not ensure that cash-in-and-out register was maintained on and after 25-4-96. The fifth allegation is that the Petitioner did not verify the closing cash balance on 25-3-97 kept in safe. The actual closing cash balance was Rs. 1,07,247.25 as per main day book whereas in cash denomination book the closing cash was shown as Rs. 6,07,247.25. The sixth allegation is that on 11-12-96 the Petitioner failed to ensure remaining draft leaves in D. D. Book and other security items which were kept under joint custody at the close of the day's transactions. By this negligence, the other joint custodian Mr. K. Kanagaraj issued five drafts to several branches in Coimbatore to the total amount of Rs. 31.05 lakhs fraudulently without receipt of cash for the drafts and if the Petitioner had ensured that draft books and other security items are held under joint custody, the said Kanagaraj could not have free access to the draft books to defraud the bank to the tune of Rs. 31.05 lakhs. With regard to the second charge sheet, the first allegation is that the Petitioner has pledged his jewels in the name of Mr. Murugan and availed jewel loan for Rs. 21,000 under agricultural category at concessional rate of interest and thus he with an intention to avail the loan under concessional rate of interest, he brought Mr. Murugan and obtained the loan and thus he has derived undue pecuniary benefits at the cost of the bank and thus acted prejudicial to the interest of the bank. The second allegation is that the Petitioner availed loan of Rs. 15,000 from the Bank of India, Nallampatti branch against NSC and he failed to repay the instalments and except single remittance of Rs. 1,000 and the above acts of borrowing money and failing to repay the same as committed/agreed and thereby giving scope for complaints to the bank which are acts affecting the bank's

image and thus prejudicial to the interest of the bank. The third allegation is that the Petitioner joined as a member of chit groups conducted by Sri Sakthi Finance, Erode for chit amount of Rs. 1,00,000 and failed to remit the chit amount and thereby giving scope for criminal complaint and these acts are affecting bank's image and prejudicial to the interest of the bank and therefore, the action was taken against the Petitioner.

7. As against this, on behalf of the Petitioner it is contended that though it is alleged that the said Mr. Kanagaraj has made alterations in certain books of account, there is no evidence to prove that alteration was made on 18-11-95 itself. Under such circumstances the charge framed against the Petitioner under first and second allegations were not proved and therefore, he should be exonerated from these two charges. Even the witnesses examined on the side of the management did not depose that these alterations pertaining to 18-11-95 were made on the same day and in fact the first witness has clearly admitted that he did not confirm as to when those alterations were made and in such circumstances, the findings of the Enquiry Officer that the charges framed against the Petitioner were proved is false. It is further argued on behalf of the Petitioner that on 18-11-95 in cash-in-and-out register, there is no correction because the said document was in safe which was under joint custody. But on the other hand, the corrections were made by the Branch Manager in the day book and that too in the figure only and not in words. Therefore, it is clear that the Branch Manager namely Mr. K. Kanagaraj has made these alterations in various records pertaining to 18-11-1995 except the cash-in-and-out register, since it was placed in safe and since the Branch Manager cannot open the safe without the key from the Petitioner and therefore, it is established that there was no alteration on 18-11-95 and therefore, the question of verification of any alteration by the Petitioner on 18-11-95 would not arise. On the contrary, the Enquiry Officer has come to the conclusion that the Petitioner has not verified the registers at the time of placing the cash in safe and thus his negligence proved beyond doubt, but from the circumstances, it is clear that the alterations were made by Branch Manager Mr. K. Kanagaraj after placing the cash in the safe as per the figures mentioned in cash-in-and-out register unaltered cash balance as mentioned in cash scroll. Therefore, the allegations made by the management has not been proved and the findings given by the Enquiry Officer is only perverse. Further, it is argued on behalf of the Petitioner that from the evidence given by the management, the Enquiry Officer has come to a conclusion that even for argument sake that alterations were made on 20-11-95, i.e. on the next working day, the Petitioner failed to verify the same on the date of 20-11-95 and therefore, the negligence against the Petitioner has been proved, but this finding is illegal

and contrary to their own charge memo, because in the charge itself it is specifically mentioned that alteration was made on 18-11-95 and therefore, without amending the charge they cannot adduce evidence with regard to their allegations, the finding is perverse and it is also established their official bias and closed mind to punish the Petitioner.

8. As against this, the learned counsel for the Respondent contended that from documents Ex. M11 to M15 it is clearly proved that though one of the joint custodians Sri K. Kanagaraj has made corrections and even assuming for argument sake that all the alterations were done by the joint custodian Sri K. Kanagaraj after the safe is closed on 18-11-95 and after the Petitioner left home after office work since the closing balance of the previous day is the base to arrive at closing balance of subsequent day, since 18-11-95 accounts and 20-11-95 accounts are in the same page of main day book and as the alterations are very much visible to naked eye in the cash scroll in the same page, it cannot be said that the Petitioner has not seen the corrections on the next working day i.e. 20-11-95 and it cannot also escape from the attention of the Petitioner and he would have easily referred the matter to the then Manager of other joint custodian. From this it is clear that the Petitioner as a joint custodian has not usually verified the same and it is a clear negligence on his part and therefore, it cannot be said that the findings given by the Enquiry Officer and the Disciplinary Authority are perverse and illegal.

9. Again, on behalf of the Petitioner it is contended that when the Petitioner asked copy of the documents dated 20-11-95 it was refused by the Disciplinary Authority on the ground that they are not relevant for the purpose of the charge and it is also clearly stated that documents pertaining to 18-11-95 will be alone given to the concerned employee. On the other hand, without making any allegation, the Enquiry Officer has permitted the Presenting Officer to mark the documents pertaining to 20-11-95 and copy of which was not given to the Petitioner before the enquiry. Even the Petitioner has objected with regard to marking of such document, which is against the principles of natural justice and the Petitioner is deprived of his opportunity to put forth his case with regard to production of documents which was produced at the time of evidence and this ground alone will establish that entire disciplinary action and dismissal order is false. It is further argued on behalf of the Petitioner that even assuming for argument sake that reduced cash balance is shown in cash scroll for 20-11-95 and were made by joint custodian, even in this case, there is no evidence to show that alterations in the scroll was made on 20-11-95 itself and further it is argued that when there is no correction in cash scroll for 20-11-95 on the same day, the Petitioner need not entertain any doubt over the same and the findings given

by the Enquiry Officer as if alterations were made on or before 20-11-95 for which there is no basis and he has assumed or presumed certain things when there is no evidence.

10. As against this, the learned counsel for the Respondent contended that though the charge alleged that on 18-11-95 corrections were made, the person who has corrected the entries was not before the enquiry and the Petitioner was punished and dismissed from service and only from records, the Respondent/Management has to establish this fact, even assuming for argument sake that entries were corrected subsequent to the Petitioner left the office, it must have been made before 20-11-95 and further the entries of 18-11-95 and 20-11-95 are on the same page and therefore, as a joint custodian of the money and other securities, the Petitioner must have come to the knowledge about the corrections in the same page and he must have enquired about the same with the other joint custodian, on the other hand, he has not made any enquiry about the corrections and this clearly establish the negligence on the part of the Petitioner. Further the learned counsel for the Respondent contended that though it is alleged by the Petitioner that he was not furnished with certain documents pertaining to 20-11-95, it will not vitiate the entire enquiry as alleged by the Petitioner. Even in the case reported in 2002 3 LLJ 1082, *Debotosh Pal Choudhary Vs. Punjab and National Bank and others* the Supreme Court has held that "mere infraction of Regulation 6(5) of Bank's Regulations, 1977 would not vitiate the entire enquiry, if the aggrieved party could not make out a case of prejudice or injustice". Further, in 1996 3 SCC 364 *State Bank of Patiala and others Vs. S. K. Sharma* the Supreme Court has held that "violation of any and every procedural provision cannot be said to automatically vitiate the enquiry held or order passed, except the cases falling under 'no notice', 'no opportunity' and 'no hearing' categories. The complaint of violation of procedural provision should be examined from the point of view of prejudice ..... In the case of procedural provision which is not of a mandatory character, the complaint of violation has to be examined from the standpoint of substantial compliance. Be that as it may, the order passed in violation of such a provision can be set aside only where such violation has occasioned prejudice to the delinquent employee." Placing reliance on these decisions, the learned counsel for the Respondent contended that in this case though the Petitioner alleged that documents pertaining to 20-11-95 were not given to him before and his request was rejected by the Disciplinary Authority, when the documents were produced at the time of enquiry, in what way his interest was affected or prejudiced has not been stated by the Petitioner and in this case at the time of enquiry, he was permitted to peruse the records and under such circumstances it cannot be said that merely because the



documents pertaining to 20-11-95 were not given to him, the enquiry is vitiated.

11. I find much force in the contention of the learned counsel for the Respondent because the Petitioner has not established in what way his interest was prejudiced by not furnishing the copy of documents prior to the date of enquiry. Further, it is clearly established that there is correction in the entries dated 18-11-95 and he has been permitted to peruse the documents before the documents were marked and in such circumstances, I find on this ground, it cannot be said that the enquiry is vitiated. Further I find as the counsel for the Respondent pointed out that even assuming that the entries were corrected subsequent to 18-11-95 since the closing cash balance of the previous day is the base to arrive at subsequent day i.e. 20-11-95, the alterations and corrections in the cash scroll, main day book are very visible to the naked eye and both days cash scroll was maintained in the same page i.e. 18-11-95 and 20-11-95, since 19-11-95 was a holiday, I think, the corrections could not be escaped from the attention of the Petitioner and under such circumstances, it is only the negligence on the part of the Petitioner and that he has not seen the corrections/alterations in the books of accounts and therefore, I find there is no point in the contention of the learned counsel for the Petitioner that there was no negligence on the part of the Petitioner in the corrections made by the other joint custodian Mr. K. Kanagaraj.

12. Again, with regard to third and fourth allegations namely the Petitioner did not verify and authenticate the entries in the cash-in-and-out register from 28-12-95 to 5-1-96 and did not ensure maintenance of cash-in-and-out register on and after 25-4-96, it is contended that though the Manager has to maintain the cash scroll separately than that of the cashier, in this case, the other joint custodian namely the then Branch Manager, who acted as cashier in one-man branch has not maintained cash in-and-out register and he has performed the duties of cashier for administrative convenience. Since the Petitioner was a subordinate under the Branch Manager, he has not questioned the actions of the Manager and the Branch Manager himself dispensed with maintenance of cash-in-and-out register for a very long time and it was not questioned or objected by the Central Office/Regional Office/Zonal Office of Respondent/Bank or officers during their audit and inspection and therefore, the Petitioner was under bonafide impression that it was done with the concurrence and knowledge of the Central Office and in fact, the Branch Manager Sri K. Kanagaraj was a relative to the Director of the Respondent/Bank and therefore, no one would be dare to make complaint against him and under such circumstances the Petitioner has not questioned the action of the Branch Manager and for this, the Petitioner cannot be held responsible either for dispensation and

maintenance of cash-in-and-out register or not making entries therein. It is further contended on behalf of the Petitioner that even though it is alleged that the Petitioner has not signed cash-in-and-out register, these allegations were not made during the relevant time and these allegations were made only long after the frauds committed by Branch Manager were found out and therefore, the Petitioner cannot be called upon after a long lapse of time for the action of dispensation of maintenance of cash-in-and-out register of the then Manager. It is his further contention that it was not stated by the Respondent/Management that there was any real loss or prejudice to the Respondent/Bank by the action of the Petitioner and therefore, mere lapse without any loss cannot be termed as negligence and that too when the decision making powers was with the erstwhile powerful Branch Manager and therefore, the Petitioner cannot be blamed for the action of the Manager.

13. But, as against this the learned counsel for the Respondent contended that though it is not proved that by this negligence no loss or prejudice was caused to the Respondent/Bank, yet it is negligence on the part of the Petitioner as a joint custodian. It cannot be said that merely because he was a clerk and he was a subordinate under the Manager, he cannot question the action of the Manager. In a branch, where there is only one officer, the clerk in charge of cash section and who is getting special allowance for handling cash will be the joint custodian and system of the bank is whenever there is any loss or shortage, found in operation of safe vault/strong room irrespective of the reason for the same, both the custodian are liable to make good the loss or answerable to the same and no one who acts as joint custodian can avoid the liability for the loss or shortage by way of any explanation or justification for his conduct or by referring supervening circumstances. In this case, though there is no loss or prejudice caused to the bank by the omission it clearly proves the misconduct of negligence on the part of the Petitioner that he was not vigil in his duties.

14. I fully agree with the contention of the learned counsel for the Respondent. In this case, it is not alleged that by mere omission of the Petitioner's action, there is no loss or prejudice caused to the bank. It is clearly established that the Petitioner was negligent on his part and he has allowed the Branch Manager Sri K. Kanagaraj to act on his own way and thus, allowed the Branch Manager to commit fraud on the Respondent/Bank.

15. The next allegation against the Petitioner is that he did not verify the closing balance on 25-3-97 while actual closing balance was Rs. 1,07,247.25 as per main day book where as in the cash denomination book it is mentioned that closing cash balance was Rs. 6,07,247.25 and therefore, it is clearly established that the negligence was on the part of the Petitioner.

16. For this, the learned counsel for the Petitioner contended that admittedly Ex. M19 (ME 10 marked before domestic enquiry) was a burnt piece of paper and did not bear the date, name of the branch and other details and no one can say that it is related to the Respondent/Bank at Karur's cash denomination book. Even when the Petitioner and his representative objected for marking of this document, the Enquiry Officer over ruled the objection and marked the document. Further, even the management witness has not stated how he has come to the conclusion that it related to 25-3-97 and under such circumstances, basing on this document, the Respondent/Management cannot come to a conclusion that it relates to 25-3-97 and that the Petitioner was negligent, hence the finding is perverse, biased and unsustainable.

17. But, as against this, the learned counsel for the Respondent contended that the Enquiry Officer has clearly stated that even though the portion of this document has been burnt, original Ex. M19 was produced before him for verification and it was in tact with its original binding. Though the part of Ex. M19 was burnt partially, it was in chronological order and therefore he has no doubt that it relates to 25-3-97. Under such circumstances, merely because a portion of this document was burnt, it cannot be said that the entries were not made or corrections were not made in that document and therefore, the findings of the Enquiry Officer is well founded and it cannot be said that it was perverse.

18. Here again, I find much force in the contention of the learned counsel for the Respondent, since the Enquiry Officer has seen the entire document which contains Ex. M19 and found that it was in tact and only a portion of the document was burnt and under such circumstances, the allegation made by the learned counsel for the Petitioner is not based on any material. Under such circumstances, I find this charge was also proved against the Petitioner.

19. The last allegation in the first charge sheet is though the Petitioner was a joint custodian, he has not verified the DD issue register and with regard to the draft leaves in DD book and due to his negligence, the other joint custodian Sri Kanagaraj has fraudulently issued five drafts to a total amount of Rs. 31.05 lakhs without receipt of cash and thus, he has permitted the other joint custodian to have free access to DD book and to defraud the Respondent/Bank to a sum of Rs. 31.05 lakhs.

20. For this, the learned counsel for the Petitioner contended that the Petitioner is the joint custodian only for cash, number of jewel bags and number of books including DD book and he is not responsible for number and quantity of jewel in the respective jewel bags and also number of DD leaves in each book. It is also established in the enquiry that there is no direction or circular regarding maintenance of any register or account as to

the number of used and unused DD leaves and in such circumstances the charge framed against the Petitioner is not valid and the finding given by the Enquiry Officer that the charges framed against the Petitioner has been proved is without any basis. It is further argued on behalf of the Petitioner that only after this incident, the Respondent/Bank has issued a circular that joint custodian should verify the used and unused leaves in DD book. This establishes that till the issuance of circular, it cannot be said that the Petitioner was guilty of charges. Therefore, the allegations of negligence or act prejudicial to the interest of the bank cannot be said to be proved.

21. But, as against this, the learned counsel for the Respondent contended that every joint custodian should exercise constant vigil in the matter of operating safe vault/strong room both at the time of withdrawing or depositing cash in or from the safe vault/strong room. So also in the matter of handling bank's security instruments, the joint custodian should satisfy himself that at the time of taking out a new instrument for use, the previous instruments as serially numbered were properly and correctly utilised and accounted for and any failure in adherence to the above procedure will be an act of gross negligence on the part of one or both the joint custodians and under such circumstances the misconduct which led to the termination of the Petitioner should be viewed in the aforesaid context. He further argued that Enquiry Officer has clearly stated that Ex. M32 reflects (namely the certificate given by joint custodian) the drafts etc. in book forms and also in unused leaves form and the allegation that joint custodian certified only with regard to books and not leaves is absurd. Under such circumstances, it is clearly established before the domestic enquiry that due to the Petitioner's negligence the other joint custodian namely Sri K. Kanagaraj Branch Manager has committed fraud on the bank to the tune of Rs. 31.05 lakhs. Under such circumstances, it should be found that punishment given to the Petitioner by the Respondent/Management is fair and justifiable.

22. Though I find some force in the contention of the learned counsel for the Respondent, it is clearly established by the Petitioner that no circular was issued before the incident that joint custodian should verify the used and unused leaves of DD book before placing it in the safe, hence it cannot be blamed that the Petitioner has not verified the correctness of the used leaves of the DD book and therefore, I find that the charge framed against the Petitioner in this regard has not been established in the domestic enquiry and therefore, the findings given by the Enquiry Officer is not correct.

23. Then the learned counsel for the Petitioner contended that since the management was of the opinion that the allegations in first charge cannot be established before the domestic enquiry and that the Petitioner was

under suspension, they had issued another Charge Sheet containing three allegations and the first allegation in the 2nd charge sheet is that the Petitioner has pledged his jewel in the name of one Mr. Murugan with an intention to avail loan under concessional rate of interest for himself and thus deriving undue pecuniary benefits at the cost of the bank and acted prejudicial to the interest of the bank. He further contended that there is no proof that the Petitioner has pledged his own jewels through Mr. Murugan even though Mr. Murugan was examined before domestic enquiry, no documentary or substantial evidence was produced before the domestic enquiry that the jewels belonged to the Petitioner. Under no stretch of imagination it can be said that the Petitioner has availed the loan on concessional rate of interest through Mr. Murugan. It is further contended that though it is alleged that the interest for the said jewel loan was at concessional rate, no document was produced either before the domestic enquiry or before this Tribunal and under such circumstances there is no basis for the said charge. Under such circumstances, it cannot be said that the charge has been established before the domestic enquiry. He further contended that though the said Mr. Murugan was examined in domestic enquiry and he has stated that jewels belonged to the Petitioner, it is admitted that he was an ex-employee of the bank and further he has availed loan during the enquiry from the Respondent/Bank. Under such circumstances, only to give a false evidence, the subsequent loan was given to Mr. Murugan and he has obliged to give a false evidence against the Petitioner. It is further contended on behalf of the Petitioner that though the Branch Manager was examined in the domestic enquiry and he has stated that the Petitioner was present at the time when the Manager refused to renew the jewel loan, no independent witness was examined to substantiate this claim except the evidence of the Manager and Mr. Murugan. No other independent witness or documentary evidence was shown that jewels pledged by the said Mr. Murugan was belonged to the Petitioner and therefore, it cannot be said that the jewel belonged to the Petitioner and he has availed the concessional rate of interest. Though the Respondent alleged that the Petitioner has brought Mr. Murugan on 14-7-96 and requested the Branch Manager to renew the loan, no independent substantial evidence is available to support this allegation and these allegations were made only to victimise the Petitioner for the reasons best known to them.

24. But, as against this, the learned counsel for the Respondent contended that Sri C. Murugan and the Manager has clearly established before the domestic enquiry that it is who the Petitioner has pledged the jewel through Sri C. Murugan and he has availed the jewel loan at concessional rate of interest which is provided only to agriculturists and it is also proved before the

domestic enquiry that jewels belonged the Petitioner. Though the Petitioner alleged that jewels belonged to only Mr. Murugan, even at the time of discharge of loan, he was present and jewels were handed over to the Petitioner by the then Manager. Under such circumstances, the contention of the Petitioner was raised only as an afterthought and only for the purpose of this case.

25. But I find, as pointed out by the learned counsel for the Petitioner, no documentary proof was produced either before the domestic enquiry or before this Tribunal that the alleged jewels belonged to the Petitioner. Further, though the Respondent contended that even at the time of discharge, the Petitioner was present and he has taken jewels there is only oral evidence of the Manager of the bank and also Mr. Murugan. In this case, the said Murugan obtained loan on instalment basis during the time of enquiry. Under such circumstances, I find only with the oral evidences given by the said Mr. C. Murugan and also the Manager, it cannot be said that the jewels belonged to the Petitioner and the Petitioner has availed jewel loan at the concessional rate of interest. As pointed out by the counsel for the Petitioner, it was not established before this Tribunal that the loan given to Mr. C. Murugan was at concessional rate, therefore, I find this charge was not proved and the findings given by the Enquiry Officer in this regard is not valid.

26. The counsel for the Petitioner further contended that with regard to other allegations in the second charge sheet namely the Petitioner has availed the loan of Rs. 15,000 on 17-4-1993 from Bank of India, Nallampatti branch against NSC and failed to repay the instalments and also the Petitioner has joined as a member of chit conducted by Sri Sakthi Finance, Erode on 5-4-97 for the chit amount of Rs. 1,00,000 and not remitted the instalments, these alleged acts of the Petitioner are private affairs and the Respondent/Bank has not established under what provision of Bipartite Settlement the Petitioner's action was prevented by them. Though they alleged that these acts affected the bank's image and it was prejudicial to the interest of the bank, in what way it will affect the image of bank and prejudiced the interest of the bank has not been established. Further, though the Petitioner has availed the loan in Nallampatti, Bank of India branch, it was only on the pledge of NSC which is a secured debt and under no stretch of imagination, it can be said that the loan under a secured debt will affect the bank's image and prejudiced the bank's interest. Even if the Petitioner has not paid the instalments, there is security and the Bank of India can proceed on the security made by the Petitioner and thereafter, it cannot be said that it was affected the image of the Respondent/Bank. Further, it is contended that though it is alleged that the Petitioner has joined as member in chit transaction and taken chit amount and has not remitted the instalment



amounts of chit and though it is further alleged that finance company has issued lawyer's notice to the Petitioner and also filed criminal complaint against him which is prejudicial to the interest of the bank, merely because Sri Sakthi Finance has written letters, it cannot be said that the image of the Respondent/Bank has been affected. Since these are personal in nature, it cannot be said that it is a misconduct on the part of the Petitioner. He further relied on the rulings reported in 1984 1 LLJ 16 *Glaxo Laboratories India Ltd. Vs. Labour Court, Meerut and others* and argued that the Supreme Court has held in the above cited case that "*keeping in view the larger objective sought to be achieved by prescribing conditions of employment in certified standing orders, the only construction that can be put of Clause 10 is that the various acts of misconduct therein set out would be misconduct for the purpose of standing orders 22 punishable, standing orders 23, if committed within the premises of the establishment or in the vicinity thereof. What constitutes establishment or its vicinity would depend on the facts and circumstances of each case. It cannot be left to the vagaries of the management to say ex post facto that some acts of omission or commission nowhere found to be enumerated in the relevant standing order is nonetheless a misconduct not strictly falling within the enumerated misconduct in the relevant standing order but yet a misconduct for the purpose of imposing a penalty.*" He further argued that the Supreme Court has held that "*if the power to regulate the behaviour of the workmen outside the duty hours and at any place wherever they may be was conferred upon the employer, contract of service may be reduced to contract of slavery.*" He argued that in this case, the actions of the Petitioner are outside the banking business of the Respondent/Bank and it was not shown before this Tribunal that under which specific provision he is prevented from availing loans from outside and under no stretch of imagination, it can be said that this action and behaviour of the Petitioner after the duty hours and outside the premises of the bank amounts to misconduct. No doubt, to enable the employer to possibly carry on his industrial activities, the I. D. Act confers power on them to prescribe conditions of service and also enumerating the acts of misconduct. But, in this case, it is not proved or established that such acts of the employee amount to misconduct and therefore, the action of the Petitioner in availing loan outside the bank cannot be said prejudicial to the interest of the bank and affecting the image of the Respondent/Bank.

27. But, as against this, the learned counsel for the Respondent contended that Respondent/Bank pays its employees handsome remuneration besides providing excellent service conditions. In order to ensure that employees do not resort to external borrowings and thereby get into a debt trap, bank gives house building

loan, vehicle loan, consumer credit loan, jewel loan, instalment loan etc. and also against securities and further all these loan facilities are granted at a concessional rate of interest. Employees can also take advances from their contribution in the Provident Fund and these loan facilities are provided solely with a view to prevent the employees from taking recourse to external borrowings. It is the view of the Respondent/Bank that a highly indebted employee who is unable to pay the same from his salary is likely to develop a tendency to indulge in malpractice or manipulations in bank's transaction giving them an opportunity to secure the benefit of cash and extensive indebtedness is treated as a grave misconduct warranting drastic punishment. As such the borrowings proved against the Petitioner establish that he has indebted to several persons and this extensive indebtedness is to be treated as a grave misconduct and as such the action taken by the Respondent/Management is justified and it cannot be blamed.

28. Though, I find some force in the contention of the learned counsel for the Respondent, I find there is no specific rule or clause in the Bipartite Settlement which prevents external borrowings of the employees of the bank and which amounts to misconduct. I can understand that management can take action against an employee, if he borrowed money from outsiders without obtaining any permission or sanction from the higher authorities. But, in this case, no action was taken against the Petitioner in this regard. Since there is no specific rule or clause in Bipartite Settlement, therefore, I cannot come to a conclusion that borrowings from outsiders will amount to a grave misconduct. As such, I find the three allegations levelled in the second set of charge were not proved with any proof. Under such circumstances, I can come to a conclusion that only the charges namely the Petitioner has failed to verify cash denomination book and also cash-in-and-out register dated 18-11-95 and also not verifying and authenticating the entries in cash-in-and-out register from 28-12-95 to 5-1-96 and also not maintaining cash-in-and-out register from 25-4-96 and also did not verify the closing cash balance on 25-3-97 have been proved.

29. The next point to be decided in this case is :—

"Whether the punishment given by the Respondent/Management in dismissing the Petitioner from service is just and proper in the facts and circumstances of the case?"

30. The learned counsel for the Petitioner contended that in any event dismissing the Petitioner for the alleged charges is shockingly disproportionate and totally excessive and it also amounts to legal victimisation. Further, it is not the case of the Respondent/Management that the Petitioner was involved in the fraud committed by the then Branch Manager Mr. Kanagaraj. It is also not the case of the Respondent that the Petitioner was

benefited from the defraud amount of Mr. Kanakaraj, the then Manager. Under such circumstances, it cannot be said that the punishment of dismissal for the alleged acts of negligence is just, on the other hand, it is shockingly disproportionate and excessive. He further relied on the rulings reported in 1998 3 SCC 192 *Colour Chem Ltd. Vs. A. L. Alaspurkar and others* wherein the Supreme Court has held that “*having regard to the nature of the misconduct, even assuming it to be a major misconduct and the past service records of Respondents held, punishment of dismissal was shockingly disproportionate or was such as no reasonable employer would ever impose it in the like circumstances and it would amount to unfair labour practice of legal victimization under item 1(a) of Industrial Disputes Act*”. Further, it held that the term victimisation is neither defined in the present Act nor in the Bombay Industrial Relations Act, nor in the Industrial Disputes Act. Therefore it has to be given general dictionary meaning .....” In that case, while dealing with the case of the workers, who are plant operators, and on the night between 5-5-82 and 6-5-82 when they were on duty in night shift, at about 3.30 a.m. when the plant-incharge one Mr. Chandrahasan made a surprise visit, he found the plant operators and ten mazdoors as well as the shift supervisor were found sleeping in the cabin, though the machine was kept working. For the misconduct, the domestic enquiry held after charge sheet, both the plant operators by an order dated 4-5-83 were dismissed from service. In that the Supreme Court has held that “*by imposing such gross disproportionate punishment on the plant operators, the management had tried to kill a fly with a sledge hammer. Consequently it must be held that the appellant was guilty of unfair labour practice and such act was squarely covered by clause (a) of item 1 of Schedule IV of the Act being legal victimization.*” Relying on the decision, the counsel for the Petitioner contended that though the Respondent alleged that there was negligence on the part of the Petitioner, the actual fraud was committed by the then Manager of the Respondent/Bank namely Mr. K. Kanagaraj, who was responsible for all the misdeeds and since the Petitioner was a subordinate under him, he cannot question the acts of the Manager. Under such circumstances, the punishment of dismissal given by the Respondent/Management is shockingly disproportionate and excessive.

31. But, as against this, the learned counsel for the Respondent contended that even in AIR 1973 SC 427 *Wrokmens of Firestone Tyres & Rubber Co. of India Pvt. Ltd. Vs. Management and Others* wherein the Supreme Court has held that *though the Tribunal has got powers under section 11A, once the misconduct is proved either in the enquiry conducted by an employer or by evidence placed before a Tribunal for the first time, punishment imposed cannot be interfered with by the Tribunal except*

*in cases where the punishment is so harsh as to suggest victimisation.*” In this case, the Petitioner was a joint custodian and the other joint custodian has committed fraud and under such circumstances it cannot be said the one of the joint custodians is not liable for the fraud committed by the other joint custodian. In this case, the misconduct of negligence is proved in the domestic enquiry and therefore, the punishment of dismissal imposed cannot be said as harsh and under such circumstances it cannot be interfered with by this Tribunal. It is also argued that though it is alleged with regard to victimisation, there is no proof to show this contention and as such the Tribunal has to consider that punishment imposed by the Respondent/Management is fair and proper in the facts and circumstances of this case.

32. Though I find some force in the contention of the learned counsel for the Respondent, it is not alleged by the Respondent that the Petitioner has involved in the fraud committed by the then Manager of the Respondent/Bank Mr. Kanagaraj. It is alleged that the Petitioner namely the joint custodian has not acted diligently, which purported the fraud to be committed by the then Manager Mr. Kanagaraj. Under such circumstances, I find the punishment of dismissal imposed by the Respondent/Management in this case is so harsh as to suggest it is a legal victimisation.

33. Under such circumstances, the next point for my consideration is what is the punishment to be imposed on the Petitioner?

34. In this case, no doubt the Petitioner has not involved in the fraud committed by the then Manager Sri K. Kanagaraj. But on the other hand, he was negligent in his duties and therefore, the misconduct was committed by the Petitioner namely in not verifying and authenticating the entries in cash-in-and-out register and also not verifying the cash denomination book on the relevant date. Therefore, I find imposing a punishment of stoppage of annual increment for three years with cumulative effect on the Petitioner would be appropriate in the facts and circumstances of the case. Further, I find in such circumstances, the Petitioner is not entitled to back wages till the period of reinstatement in service. In addition, the Respondent/Management is entitled to issue written warning to the Petitioner, when he is reinstated in service, not to repeat such negligence in duty in future. Therefore, I find it would be sufficient in the facts and circumstances of the case and it will operate as suitable corrective for the Petitioner. Therefore, I find this point in favour of the Petitioner. Ordered accordingly.

#### Point No. 2 :—

35. The next point to be decided in this case is to what relief the Petitioner is entitled?

36. In view of my above findings, I find a direction is to be given to reinstate the Petitioner in service with continuity of service and other attendant benefits but without any back wages. However, I find imposing a punishment of stoppage of annual increments for three years with cumulative effect on the Petitioner would be appropriate in the facts and circumstances of the case. Further, I find in such circumstances, the Petitioner is not entitled to back wages till the period of reinstatement in service. In addition, the Respondent/Management is entitled to issue written warning to the Petitioner, when he is reinstated in service, not to repeat such negligence in duty in future. Ordered accordingly. No Costs.

37. The reference is answered accordingly.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th February, 2005).

K. JAYARAMAN, Presiding Officer

**Witnesses Examined :**

**On either side :** None

**Documents Marked :—**

Ex. No.	Date	Description
W1	18-11-95	Extract of main day book
W2	20-11-95	Extract of cash denomination book of Respondent
W3	26-03-97	Xerox copy of the main day book
W4	29-03-97	Xerox copy of the main day book
W5	31-03-97	Xerox copy of the main day book
W6	03-09-97	Xerox copy of the letter from Petitioner to Asstt. General Manager requesting for documents.
W7	10-09-97	Xerox copy of the letter from Disciplinary Authority
W8	12-09-97	Xerox copy of the letter from Pethampalayam branch
W9	Nil	Xerox copy of the written arguments filed by Presenting Officer
W10	Nil	Xerox copy of the written arguments filed by Defence representative
W11	14-03-98	Xerox copy of the letter from Enquiry Officer to Defence representative
W12	16-03-98	Xerox copy of the letter from defence representative To Enquiry Officer

W13	20-03-98	Xerox copy of the letter from defence representative to Disciplinary Authority
W14	24-03-98	Xerox copy of the letter from Disciplinary Authority to Defence representative
W15	Nil	Xerox copy of the reply given to findings of Enquiry Officer
W16	Nil	Xerox copy of the letter from Petitioner to Appellate Authority
W17	Nil	Xerox copy of the written arguments of defence Representative with respect to charge memo
W18	Nil	Xerox copy of the reply given by defence representative For enquiry findings.
W19	Nil	Xerox copy of the merit certificate issued to Petitioner
W20	23-05-97	Xerox copy of the letter from Mr. Kanakaraj to Respondent/Management
W21	23-05-97	Xerox copy of the FIR No. 392/97 filed in Perunthurai Police Station.
W22	15-10-99	Xerox copy of the charge sheet filed in CC No. 290/99.

**For the II Party/Management :—**

Ex. No.	Date	Description
M1	18-08-97	Xerox copy of the charge sheet issued to Petitioner
M2	18-09-97	Xerox copy of the reply given by Petitioner
M3	24-09-97	Xerox copy of the order of Disciplinary Authority for Enquiry
M4	22-11-97	Xerox copy of the notice issued by Enquiry Officer
M5	05-12-97	Xerox copy of the enquiry proceedings
M6	11-02-98	Xerox copy of the enquiry proceedings
M7	16-03-98	Xerox copy of the enquiry proceedings
M8	26-03-98	Xerox copy of the enquiry proceedings

M9	16-04-98	Xerox copy of the enquiry proceedings	M34	01-09-90	Xerox copy of the Central Office circular
M10	18-11-95	Xerox copy of the cash denomination book	M35	30-11-98	Xerox copy of the letter from Respondent enclosing Findings of Enquiry Officer
M11	18-11-95	Xerox copy of the cash scroll	M36	27-10-99	Xerox copy of the show cause notice proposing punishment
M12	18-11-95	Xerox copy of the subsidiary day book	M37	07-12-99	Xerox copy of the final order issued to Petitioner
M13	18-11-95	Xerox copy of the ledger extract of SB A/c. 845	M38	18-01-00	Xerox copy of the appeal preferred by Petitioner
M14	18-11-95	Xerox copy of the withdrawal slip No. 782172	M39	27-04-00	Xerox copy of the order of Appellate Authority
M15	Nil	Xerox copy of the pages of cash-in-and-out register	M40	24-11-98	Xerox copy of the 2nd charge sheet issued to Petitioner
M16	Nil	Xerox copy of the A to F cash denomination book pages	M41	30-12-98	Xerox copy of the order of Disciplinary Authority for Enquiry
M17	25-03-97	Xerox copy of the main day book	M42	07-01-99	Xerox copy of the enquiry notice
M18	25-03-97	Xerox copy of the subsidiary day book	M43	18-01-99	Xerox copy of the enquiry proceedings
M19	25-03-97	Xerox copy of the cash denomination book	M44	29-01-99	Xerox copy of the enquiry proceedings
M20	11-12-96	Xerox copy of the draft issued advice No. 638614	M45	11-02-99	Xerox copy of the enquiry proceedings
M21	11-12-96	Xerox copy of the draft issued advice No. 638613	M46	16-03-99	Xerox copy of the enquiry proceedings
M22	11-12-96	Xerox copy of the main day book	M47	02-11-98	Xerox copy of the investigation report
M23	11-12-96	Xerox copy of the daily statement of general a/c	M48	27-07-98	Xerox copy of the written statement given by Murugan
M24	11-12-96	Xerox copy of the general account schedule No. 1	M49	27-07-98	Xerox copy of the letter from Manager, Bank of India
M25	11-12-96	Xerox copy of the draft issue register	M50	14-07-98	Xerox copy of the withdrawal slip for Rs. 10,300
M26	11-12-96	Xerox copy of the draft issue advice	M51	14-07-98	Xerox copy of the credit slip for Rs. 7500
M27	11-12-96	Xerox copy of the credit advice	M52	Nil	Xerox copy of the jewel loan ledger pertaining to A/c. 423/96
M28	11-12-96	Xerox copy of the draft application for DD	M53	Nil	Xerox copy of the extract of SB ledger A/c. No. 359
M29	11-12-96	Xerox copy of the paid DD	M54	27-07-98	Xerox copy of the complaint letter of Sakthi Finance
M30	11-12-96	Xerox copy of the paid DDs	M55	Nil	Xerox copy of the written statement of Tamilselvan, Manager of Respondent/Bank
M31	11-12-96	Xerox copy of the paid DDs	M56	06-11-97	Xerox copy of the letter of Manager, Bank of India, Nallampatti
M32	Dec. 96	Xerox copy of the joint custodian certificate	M57	18-08-97	Xerox copy of the memo issue to Petitioner
M33	05-06-97	Xerox copy of the investigation report			

M58	04-10-97	Xerox copy of the reply to memo submitted by Petitioner
M59	14-01-99	Xerox copy of the letter from Sakthi Finance to Respondent/ Bank
M60	10-06-99	Xerox copy of the letter of Disciplinary Authority to Petitioner enclosing findings of Enquiry Officer
M61	29-10-99	Xerox copy of the show cause notice proposing the Punishment issued to Petitioner
M62	07-12-99	Xerox copy of the final order issued to Petitioner

नई दिल्ली, 31 मार्च, 2005

का. आ. 1563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बेंगलूर के पंचाट (संदर्भ संख्या 77/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-05 को प्राप्त हुआ था।

[सं. एल-40012/125/2001-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

S.O. 1563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/2001) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 31-3-05.

[No. L-40012/125/2001-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated the 1st March, 2005

#### PRESENT :

SHRI A. R. SIDDIQUI, Presiding Officer

C. R. No. 77/2001

#### I PARTY

Shri Kenchappa,  
S/o Sh. B. P. Indrappa,  
Annehal Village & Post  
Chitradurga Taluk & Distt.  
Chitradurga-577501

#### II PARTY

The Asst. Superintendent  
of Post Offices,  
Chitradurga Sub division,  
Chitradurga-577501

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-40012/125/2001/IR(DU) dated 15-10-2001 for adjudication on the following schedule :

#### SCHEDULE

“Whether the action of the management of Posts to retrench the service of Shri Kenchappa without notice and payment of retrenchment compensation is valid and justified ? If not, to what relief the workman is entitled ?”

2. The case of the first party as made out in the Claim Statement, in brief, is that he is a member of Schedule Tribe Community with educational qualification of PUC had applied for the post of Extra Departmental Mail Carrier (EDMC) along with others and was duly selected and appointed for the said post w.e.f. 29-7-1997 by the Assistant Superintendent of Post Offices, Chitradurga Sub Division, Chitradurga and he worked with the management for about a period of 1½ years with all sincerity and diligence inviting no room for complaints. However, the management refused work to him w.e.f. 5-12-98 without issuing any memo or notice and thereby the action of the management amounts to illegal retrenchment and unfair labour practice coming under the provisions of Section 25 F & N and under section 2(ra) read with 2(oo) of the ID Act. Therefore, the first party requested this tribunal to pass an award holding that the action of the management terminating his services w.e.f. 5-12-98 was illegal and therefore, he is entitled to the relief of reinstatement and all other consequential benefits.

3. The management by its Counter Statement among other things contended that the postal department does not come under the definition of Industry and therefore, this court has no jurisdiction to entertain the present case. It was contended that the post of Extra Departmental Delivery Agent now redesignated as Gramin Dak Sevak Mail Deliverer, fell vacant at Anekal Branch Post Office, consequent upon the promotion of a regular incumbent. Therefore, as a stop gap arrangement, the first party was engaged in the said vacant post pending completion of regular recruitment process and after completion of selection process as per departmental rules, the first party was selected for the said post. It was further contended that aggrieved by the Selection Process and the appointment of the first party, one Mr. Vijayakumar who was a meritorial candidate preferred an application before the CAT, Bangalore in OA No. 612/97 making the first party as Respondent No. 2 in the said proceeding. CAT, Bangalore, vide its order dated 22-9-1998 quashed the entire selection proceedings and directed the Second Party to 'redo', the selection process: that the first party

being aggrieved by the orders of the CAT challenged the same in W. P. No. 32069/1998 before the Hon'ble High Court and his Writ Petition came to be dismissed by order dated 2-11-98 upholding the order of CAT. Therefore, in view of the compliance of tribunal order followed by the order of the High Court, the services of the first party were disallowed. In the result the Second Party cannot be held responsible in not providing work to the first party and therefore, there was no violation of any of the provisions of ID Act and the reference is liable to be rejected.

4. During the course of trial, the management filed an affidavit of one Mr. Raghavendra, Asstt. Superintendent of Post Office, sub division, Chitradurga almost, reiterating the contentions taken in the Counter Statement. In his further Examination-Chief, he filed Xerox copies of orders at Ex. M1 to M3. Whereas the first party also filed an affidavit by way of evidence and got marked 2 documents at Ex. W1 and W2 in his further examination chief, I would like to come to the statement of MW1 and WW1 in their cross examination as and when found relevant and necessary.

5. Learned counsel, for the management vehemently argued that the reference on hand in the first instance is liable to be rejected for the reason that the material and important facts of the proceedings before the CAT and the Writ Petition filed by the first party have been suppressed purposely in the Claim Statement so as to take undue advantage of the provisions of ID Act. Next, he contended that as per the above said CAT order as per Ex. M1 upheld by the Hon'ble High Court at Ex. M2, services of the first party have been terminated as per Ex. M3 and therefore, the case on hand will not come under the purview of the provisions of ID Act, much less, section 2(oo) read with Section 25F thereof. Whereas, learned counsel for the first party vehemently argued that the first party since worked with the management, undisputedly, for a period of 1½ years, his services could not have been terminated without the compliance of Section 25F, 25N read with Section 2(oo)(2ra) of the ID Act. As far as the orders, Ex. M1 & M2, learned counsel, had no argument to advance. After having gone through the records, I find substance in the arguments advanced for the management. It is not in dispute that the management selected and appointed the first party to the above said post following certain rules and norms and the first party joined his duties in response to the said appointment. It is again not in dispute that one Mr. V. Vijaykumar challenged the selection process and the appointment of the first party before CAT, Bangalore wherein the first party was also arrayed as Second Respondent along with the first respondent (Postal Department).

6. A perusal of the order at Ex. M1 passed the CAT dated 25-9-98 would make it clear that the application filed by the said Vijayakumar was allowed in part quashing the selection and appointment of Respondent

No. 2 (first party) with a direction to the first respondent to redo the selection process in accordance with rules. This order of CAT was challenged by the first party before the Hon'ble High Court in the aforesaid Writ Petition and he was, unsuccessful. Therefore, a very simple and short point now to be decided by this tribunal is whether the action of the management in terminating the services of the first party vide office order at Ex. M3 amounts to retrenchment and if so the retrenchment was illegal as claimed by the first party. The plain answer to the above said question must be in the negative keeping in view the orders of the CAT upheld by the Hon'ble High Court. The Selection of the first party and his appointment to the post in question since was challenged by Shri Vijayakumar and has been quashed with a direction to the management to redo the selection process and that order has been also up held by the Hon'ble High Court being challenged by the first party, the case of the first party can never be brought under the purview of the provisions of ID Act. He was in the service of the management in pursuance to his appointment after due selection process and since that selection process as well as the appointment of the first party has been quashed, his services certainly cannot be continued with the management and therefore, no illegality as such was committed by the management in terminating his services as per Ex. M3. The action of the management was in the light of the orders passed by CAT and upheld by the Hon'ble High Court. The management could not have continued the services of the first party any more keeping in view the aforesaid orders of CAT upheld by the Hon'ble High Court. In the result I must hold that the case on hand will not be a case of retrenchment and therefore, the provisions of ID Act are not attracted. Accordingly reference is rejected and the following award is passed.

#### AWARD

The reference is dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 1st March, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1564. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल सिल्क बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 19/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-05 को प्राप्त हुआ था।

[सं. एल-42011/99/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

**S.O. 1564.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2000) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in Annexure in the Industrial Dispute between the employers in relation to the management of Central Silk Board and their workman, which was received by the Central Government on 31-3-05.

[No. L-42011/99/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated the 9th March, 2005

#### PRESENT :

SHRI A. R. SIDDIQUI, Presiding Officer

C. R. No. 19/2001

#### I PARTY

President,  
Central Silk Board  
Employees Union,  
New No. 59, 6th Cross,  
K. R. Vanam,  
Mysore-560008

#### II PARTY

The Member Secretary,  
Central Silk Board,  
Central Silk Board  
Complex, IV Floor,  
BTM Lay Out,  
Hosur Road, Madivala,  
Bangalore-560068

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-42011/99/99/IR(DU) dated 10th February, 2000 for adjudication on the following schedule :

#### SCHEDULE

"Whether Shri Shivalingaiah, former casual labourer of Central Silk Board is justified in claiming re-employment ? If not, to what relief the workman is entitled ?

2. The First party Union in its Claim Statement submitted through the first party workman averred that it is a registered union under the provisions of the Indian Trade Union Act and the Union is striving hard to secure better service conditions to its members who are working with the Second Party Management namely, the Central Silk Board; that accordingly the union took up the cause

of the first party workman, Shri Shivalingaiah who were incharge of the Casual Labourer at BSF, Huliurdurga w.e.f. 1-7-92. He was discharging his duties honestly and to the satisfaction of his official superiors. He was appointed as Casual Labourer at BSF, Kunigal and in 1986 he was posted to work as Watchman in Mysore Seed Cacaoon Preservation Centre, Kunigal; that on the allegations that he was involved in a murder case was arrested by the Police on 30-3-97 (ought to have been 1987) he was detained in the police custody for 24 days and thereafter was released on bail. After his release during the last week of April 1987 he approached the Officer in charge of the Mysore Seed Cacaoon Preservation Centre, Kunigal to take him back to duty. However, the said officer informed the workman that he need not now report for duty and may come back to work only after criminal case is decided. It is submitted that the criminal proceedings were held before the Principal District & Sessions Judge, Tumkur in ID No. 75/87 and after elaborate trial, the Hon'ble Court was pleased to deliver a judgement on 24-2-1993 acquitting the workman of the offence punishable under Section 302 read with Section 34 and 201 read with Section 34 of IPC. After receiving the certified copy of the order, as directed by the Officer-in-charge, Seed Cacaoon Preservation Centre, Kunigal of the Second Party Management, the first party submitted a duty report. However, he was not taken back to work. He addressed several representations to his higher authorities. There was no response to the representations so submitted by the workman. The Union also took up the matter on behalf of the workman by addressing a letter to the Second Party Management on 26-3-1999. The management refused to consider the reasonable demand of the workman. In the circumstances the Union raised a dispute before the Regional Labour Commissioner (Central). After the failure of conciliation report, the Government has referred the dispute before this Hon'ble Court for industrial adjudication. Hence the Claim Statement; that the management admittedly has not issued any memo or notice before refusing employment to the first party workman and therefore, action of the management is unjust and arbitrary in as-much as the workman worked continuously for more than 240 days before he was refused employment when he reported for duty on release on bail during the last week of April 1997. Admittedly there was no intimation sent to the workman alleging that he remained absent from duty and that shows that the management was aware of the arrest of the workman in the aforesaid murder case. Therefore, action of the management in refusing work to the workman is in violation of the mandatory provisions of Section 25F of the ID Act and the action of the management amounts to retrenchment as defined under Section 2(oo) of the ID Act. In the result under the circumstances of the case there was no deliberate and intentional delay in approaching the management and



also in raising the dispute. Therefore, award would be passed holding that the management was not justified in refusing work to the first party workman and that he is entitled to reinstatement and all other consequential benefits.

3. The management by its Counter Statement resisted the Claim of the first party union and the first party workman as follows :

That the CSB employee union is not a recognized union to espouse the cause of Casual Labourers in CSB units. Without prejudice to this it is stated that the contention of the union that Shri Shivalingaiah, Ex-Casual Labourer was discharging his duties honestly and sincerely at the above place is completely false. The past records of above Casual Labourer reveals that from the inception he was irregular in his duties and was in the habit of absenting himself from work for months at a stretch without any leave application or prior intimation to the unit incharge officer. It is true that Shri Shivalingaiah was engaged as Casual Labourer directly at erstwhile Basic Seed Farm, Huliurdurga with effect from 1-7-82 purely on casual basis. He remained on unauthorized absence w.e.f. January 1984. He reported back for work on 1st March 1984 and worked hardly for 16 days during March 1984 and again remained on unauthorized absence with effect from 17-3-84. During October 1984, he left the work on his own and never came back to work for nearly two months nor did he submit any leave application. On 28-12-84, he submitted a representation informing that he had left the job two months back and that since he married he stated that he wants the job again. Again he made presentation on 30-4-85 that he stayed at home for nearly seven months due to illness and he could not attend work. Further, he had represented that he would attend office regularly and failing which he should be removed from the job without any notice. During 1985, when his name was sponsored by employment exchange, Tumkur, and he was re-engaged as Casual Labourer w.e.f. May 1985. He worked as Casual labourer upto February 1987 though he was absent unauthorisedly intermittently in different spells. Thereafter in the month of March 1987, he worked for 11 days and in the same month. On 30-3-87, he was arrested by the police authorities in connection with a murder case. He was in judicial custody for 24 days w.e.f. 30-3-87. Consequent upon his arrest, the said labourer did not intimate either to this office about his arrest or his involvement in criminal offence and continued to remain on unauthorized absence from 30-3-87. He never approached the unit incharge even after he was stated to have been let out on bail. It is also not correct that the officer-in-charge asked him to report for duty after the criminal case is decided; that as a matter of fact, the first party has approached this court after a lapse of 15 years and now that he is contending that he was completed

240 days and that he is eligible for reinstatement and other reliefs; that the delay in approaching this court may kindly be treated as preliminary issue. The first party may be put to strict proof of reasons given in the Claim Statement in respect of the delay. As a matter of fact, the first party also did not inform the Second Party about his involvement in the criminal case and that he was also arrested by the police as stated above. Moreover, the first party was not regular in his work from the date of joining the second party and did not show any interest in his work. All these aspects may kindly be considered in adjudicating the above matter; that as a matter of fact, the BSF, Huliurdurga where the first party was taken for work was wound up few year back and the said unit does not exist as on the date. It is also submitted that there is a ban on fresh engagement of workers in the Second party w.e.f. 7-8-92 and the said ban has been imposed by the Government of India. Moreover, there is no requirement of Labourers in any of the Basic Seed Farms or any other units of the Second Party. As a matter of fact there is Voluntary Retirement Scheme being introduced in the Second Party to the benefit of the farm workers. The VRS is introduced by the Government to identify the surplus labourers and about 250 labourers have already opted for the said VRS. The Government has indicated that there is still 250 labourers who are surplus in the Second Party. Under the circumstances, it is respectfully submitted that the claim of the first party for reinstatement and other benefits is not maintainable and it is liable to be rejected. At Para 5 the management denied that the first party union was espousing the cause of all the employees of the Second Party and that first party was discharging his duties honestly etc. It also denied that the first party approached the Officer-in-charge of Mysore Seed Cocoon Preservation Centre, Kunigal to take him back for duty. It also denied the averment that first party worked continuously for 240 days and that the action of the management is illegal and in violation of Section 25 F of the ID Act. In the last the management requested this tribunal to reject the reference.

4. After the receipt of the reference from the Government, notices were taken against both the parties and they appeared through counsels. On 16-8-01 Claim Statement was filed on behalf of the first party workman and thereafter the matter came to be posted for filing of the Counter Statement by the Second Party. The Second Party filed its Counter Statement on 7-4-04 and then the case came to be posted for evidence to be led on behalf of the first party keeping in view the point of reference. Wherein, the burden was cast upon the first party workman to justify its claim of re-employment against Second Party. From 7-4-04 till 14-10-04 as could be seen from the order sheet maintained by this tribunal, the matter came to be adjourned affording opportunity to the



first party workman to lead evidence on his part. Since no evidence was adduced on his behalf this court on 14-10-04 posted the case for evidence of the Second Party. Second Party also did not lead evidence and therefore, award is being passed.

5. As noted above, as per the points of reference, burden was put on the shoulders of the first party workman to establish the fact that his claim for re-employment against the Second Party was justified and if not what relief he was entitled to.

6. Keeping in view the contentions taken by the management in the Counter Statement, the first party workman was to establish before this tribunal in the first instance as to whether the first party union was justified in espousing his cause and raising the dispute against the management on his behalf. It was also necessary for the first party workman to establish before this tribunal as to what prevented him in not raising the dispute on hand within a reasonable time. As per the Claim Statement he was refused work by the management somewhere in the month of April 97 and thereafter once again in the month of February 1993 when he was acquitted from the charge of murder under Section 30 IPC read with Section 34-201 thereof. Undisputedly he did not raise the dispute till the month of March 1999 that is when the first party union said to have written a letter to the management espousing the cause of the first party workman. The present reference has come to be made in the month of February 2000 and that means to say that the dispute has been raised before this tribunal after a gap of more than 13 years from the date of alleged refusal of the work to the first party workman by the management. It is in this view of the matter it was necessary on the part of the workman to explain before this tribunal the inordinate delay caused in raising the dispute against the management so as to show at the same time that the dispute on hand was still existing when was raised against the management. It was also necessary for the workman to substantiate his claim that he worked continuously for 240 days in a particular calendar year immediately before he was refused work by the management so as to attract the provisions of Section 2(oo) read with Section 25 F of the ID Act. Unfortunately, as noted above, the first party workman as well as the first party union have not come forward with any oral or documentary evidence to substantiate the claim made in the Claim Statement or to meet the case of the management as made in the Counter Statement.

7. In the result this court has no alternative but to hold that the first party workman fails to establish before this tribunal that he is justified in making claim against the management. Accordingly, the reference is answered and the following award is passed.

## AWARD

The reference is rejected. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 9th March 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

**का.आ. 1565.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलौर के पंचाट (संदर्भ संख्या 02/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2005 को प्राप्त हुआ था।

[सं. एल-40012/293/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

**S.O. 1565.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2000) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 31-3-2005.

[No. L-40012/293/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 22nd March, 2005

## PRESENT :

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 02/2000

## I Party

T. Srinivas.  
S/o C. Thimmegowda,  
No. 9/1, 14th A Cross,  
A. D. Halli,  
Bangalore-560079

## II Party

The Assistant Superintendent  
of Post Office,  
Bangalore Sub-Division,  
I/II,  
Bangalore-560041

## APPEARANCES :

## I Party :

Sh. K. V. Sathyanarayana.  
Advocate

## II Party :

Sh. K. Prakash Rao,  
Advocate

**AWARD**

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40012/293/99/IR(DU) dated 16-12-1999 for adjudication on the following schedule :

**SCHEDULE**

“Whether the Management of Post and Telegraphic is legal and justified in not regularizing Sh. T. Srinivas, former EDD agent ? If not, to what relief the workman is entitled ?”

2. The case of the I Party workman as made out in the claim statement, briefly stated is that he was appointed by the II Party Management as ED Delivery Assistant w.e.f. October 1995 with a salary of Rs. 1,113 p.m. and later on it was enhanced to Rs. 2,155 p.m. He was discharging permanent and perennial nature of job, honestly and diligently without any blemish and worked continuously till he was illegally removed from service w.e.f. 16-02-1999. He contended that the action of the Management in removing him from service was not bonafide and was in violation of provisions of Section 2(o) read with Section 25(F) and 25(N) of the I. D. Act and therefore, he is liable to be reinstated. He further contended that on account of termination of his service, he is facing great hardship and his family members consisting of his wife and aged father are suffering from mental agony, having no other source of livelihood.

3. The Management resisted the claim of the I party among with other grounds that it is performing sovereign functions and their lordship of our Supreme Court in many decisions have held that the Management is not an industry under the provisions of I. D. Act. The Management with reference to the merits of the case however contended that it has got a practice of filling up of stop gap arrangement envisaged under the rules and I Party cannot claim to regularize his services and accordingly it was made clear to the I party at the inception of the duty. It was further contended that during the year 1996 one post of EDDA fell vacant at Banashankari III stage Post Office on account of Promotion of the regular incumbent as Postman and therefore with an intention to give good service to the public at large the management engaged the services of the I party as an adhoc arrangement without issuing any appointment order. It was only a stop gap arrangement with a notice to the I party that he cannot claim any right for regular appointment; that the process of recruitment to the vacant post initiated as per the departmental rules vide ED Agents (Conduct and Service) Rules 1964 and vacancy was notified to the Regional Employment and District Employment exchange on 15-04-1998 followed

by public notification on 17-09-1998; that after the receipt of the application from the eligible candidates, applications were scrutinized along with the application of the I party under the departmental rules and during the selection process one Mr. V. Girish, who stood top on merit, was selected for the post of and accordingly was appointed for the said post and consequently the stop gap arrangement made earlier was disallowed; that the allegations of the I party that he was removed from service without assigning any reason in violation of the provisions of the I. D. Act are false and not relevant to the dispute on hand, particularly, when the I party was doing the work only 3 to 5 hours per day and was not a regular employee. Therefore, the Management requested this tribunal to reject the reference.

4. During the course of the trial, the Management examined one witness as MW 1 and got marked Ex. M-1 to Ex. M-9, whereas, the I party filed his affidavit by way of evidence. The statement of MW-1 in his examination in chief is as under :

“I know the facts of the case. I party was taken up as Extra Departmental Delivery Agent on stop gap arrangement temporarily. He was required to deliver post. He was working 3/4 hours in a day.

For filling up the Vacant post there is procedure and rules and we write to Employment Exchange. We recruited some employees. Ex. M-1 is the notification. We called for candidates through exchange employment. Ex. M-2 is the another notification. Candidates appeared and were selected on merit. I party got less marks than others. There were 20 candidates. Details are given in ex M4. M3 is another notification. M4 is the list of merit candidate. Girish is selected. His marks and application are filled as per Ex. M-5. Ex. M-6, M-7 to M-9 are the Department letters. There is no post. It is not correct to say that I party was taken in October 1995. He has not worked more than 3/4 hours. It is not correct to say that we removed him when I party complained against Management.

In conciliation we appeared and filed objections, which is produced. Therefore be rejected.”

5. The averments made in the affidavit of the I party are almost the reiteration of the averments made in the claim statement and need not to be repeated. I would like to refer to the statements of MW 1 and WW 1 in their cross-examination as and when found relevant and necessary.

6. Learned counsel for the management argued that services of the I party were taken on provisional basis as a stop gap arrangement in place of permanent and regular employee and that he was just working for 3 to 5 hours a day. He contended that in order to fill up the above said

vacancy the Management held departmental test as per the rules participated by the I party as well as one Girish and others and taking into account the marks obtained by the candidate as a result of the interview, said Girish was selected for the said post and accordingly was appointed to the post being held by the I party on adhoc basis and in the result services of the I party came to be discontinued.

7. Learned counsel argued that such a provisional employee will have no claim or right seeking regularization of services or reinstatement under the rules of the Management and this position of law has been very much made clear in an unreported decision of our Hon'ble High Court in W. P. Nos. 21331-333/2000 dated 18-08-2001.

8. Whereas, the learned counsel for the I party argued that the I party was in the services of the II party continuously for a period of 3½ years and therefore his services could not have been terminated without any notice, charge sheet or any enquiry being conducted against him and that his termination amounts to retrenchment as per Section 2(oo) of the I. D. Act and since provisions of Section 25 (F) of I. D. Act are not complied with the termination is illegal and therefore, the I party is entitled to the relief of reinstatement with all other benefits.

9. After having gone through the records and the principle laid down by their lordship of our Hon'ble High Court in the aforesaid decision, I do not find substance in the arguments advanced for the I party.

10. The facts admitted in this case are that the I party was in the service of the Management doing the job of EDDA for about 3½ years till he was removed from service w.e.f. 16-02-1999. However, it is the case of the Management that the appointment of the I party was provisional and on adhoc basis as a stop gap arrangement and this fact was made very much clear to the I party when he was taken in service. Statement of MW 1 before this tribunal would speak to the fact that the I party was doing the work of EDDA and that the vacancy was caused on account of the regular employee being promoted as postman. Their lordship of our Hon'ble High Court in the disputes raised by the petitioners against (the Management involved in this case) have made the position of law very clear as to whether any provisional appointment could give raise to any right seeking regular employment or reinstatement in case such a provisional employee was removed from service. Their lordship having referred to various decisions of the Supreme Court have laid down the principle of law that whenever any such stop gap arrangement is made and appointment was made on provisional basis pending regular recruitment to the post, the provisional employee will not have any

right to seek continuation of his service or regularization of his service when removed from service from the post held by him on adhoc basis. It has been abundantly clear in the aforesaid decision of our Hon'ble High Court that a person appointed as an substitute or on provisional basis has got no right to claim the status of regular employee. In the instant case, I party was appointed on adhoc basis as a stop gap arrangement due to the vacancy caused on account of promotion of regular employee. Therefore, he cannot seek as of right any re-employment/reinstatement or regularization of his services under the rules and regulations of the Management quoted above. Moreover, it has come on record in the evidence of MW 1 and the documents at Ex. M-1 to Ex. M-9 that in order to fill up the above said vacancy the management issued the notification calling upon the employment exchange to sponsor the names of candidates to be selected for the said post and as a result of the said notification one Shri Girish among others made an application and as a result of selection process he was selected on the basis of merit having secured marks higher than the marks secured by the I party and others. From the aforesaid documents it is very much clear that the I party also appeared for the said test but could not be selected as he secured marks less than the marks secured by the said Girish. It is further seen from those documents that after being selected said Girish under went Medical test and having full filled other requirements was appointed to the post hitherto being held by the I party on provisional basis. Therefore, the services of I party having come to an end under the rules framed by the Management he cannot take shelter under the provisions of the I. D. Act as termination cannot be brought under the category of retrenchment or illegal retrenchment as defined under Section 2(oo) read with Section 25 (F) thereof. In the result, this tribunal has no hesitation in mind to come to the conclusion that the action taken by the Management in terminating the services of the I party to fill up the above said vacancy by selecting the regular candidate under the process of law is not challengeable and therefore no relief can be given to the I party and hence reference is liable to be rejected.

### ORDER

Reference is dismissed. No costs.

(Dictated to the L. D. C., transcribed by him, corrected and signed by me on 22nd March, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1566.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/

श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 21/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2005 को प्राप्त हुआ था।

[सं. एल-40012/62/96-आई. आर. (डी. यू.)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

**S.O. 1566.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/98) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 31-3-2005.

<sup>2</sup>[No. L-40012/62/96-IR(DU)]  
KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated. the 22nd March, 2005

#### PRESENT :

Shri A. R. Siddiqui, Presiding Officer

**C.R. No. 21/1998**

#### I Party

Smt. Usha A. Naik,  
Near Electric Power  
House, Karwar-581301

#### II Party

The Superintendent of Post  
Office, Karwar Division,  
Karwar-581301

#### Appearances :

#### I Party :

V. S. Naik, Advocate

#### II Party :

Ravi Jagan, Advocate

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40012/62-IR(DU) dated 09-03-1998 for adjudication on the following schedule :

#### SCHEDULE

"Whether the action of the Department of Posts in terminating the services of Smt. Usha A. Naik from 1-3-94 is justified ? If not, to what relief she is entitled ?"

2. In this case, there is no formal complaint statement as such filed by the I party but she requested this tribunal to treat some of her letter dated 31-03-1998,

12-03-1998 and 03-03-1994 as her claim statement. The letter dated 12-03-1996 is not forth coming from the records and where as letter dated 31-03-1998 is the one written by the I party to the then Desk Officer by Government of India, Ministry of Labour, New Delhi making a request to reinstate her in the place she was holding at the time of termination of her services. In her letter dated 03-03-1994, the case made out by the I party is that she was working against Leave Vacancy E. D. S. V. in Karwar Head Post Office till 01-03-1994. She gave the details of the period of service rendered by her as under :

From	To	Year	Period/ Month	Days
27-05-1991	13-11-1991	—	5	16
02-12-1991	07-12-1991	—	—	06
01-01-1992	30-05-1992	—	5	29
17-08-1992	01-03-1994	1	7	16

2. She avered that she put in total temporary service of more than 2½ years as on 01-03-1994 and for no reasons, suddenly, the Post Master, Karwar H. P. O. asked her orally to hand over the charge of the said post to one Shri Mangesh G. Naik, and she obeyed the orders by handing over the charge. She stated that she is poor woman having two children to look after being deserted by her Husband, unable to get any other employment due to overage. She has no other source of income to bring up her children. Therefore, the action of the Management in terminating her service has caused her lot difficulties and she is mentally and financially put to hardship; that she worked very hard, discharging her duties honestly and to the entire satisfaction of her superiors. Therefore, she requested to the Superintendent of Post Offices, Karwar Division, Karwar, writing this letter to permit her to continue in service or to appoint her as EDSV post at HPO or else she may be appointed as EDBPM at branch Post Offices at Baithkol.

3. The Management filed its counter statement contending among other things that the I party was provisionally appointed as Extra Departmental Stamp Vendor (EDSV) at Karwar Head Post Office and she was in service from 28-11-1992 till 01-03-1994. She was clearly informed that she was being appointed on provisional basis and her services will be terminated when a regular appointment is made; that thereafter a regular appointee who was sponsored by the employment exchange came to be appointed from 01-03-1994 and accordingly services of the I party were terminated w.e.f. 01-03-1994 in accordance with ED agents (Service and Conduct) Rules, 1964; that the I party approached the ALC(C), Mangalore aggrieved by the order of termination of her service and during the course of conciliation

proceedings, she was offered employment/appointment as a Extra Departmental Branch Post Master at Ulga Village in Karwar taluk but she refused to take up the said assignment, as a result of conciliation failed and the reference on hand was made. Therefore, the Management contended that the case of the I party do not fall under the provisions of Industrial Dispute Act in as much as, it is not an industry as defined under Section 2(j) of the ID Act.

4. During the course of trial, the Management examined one witness as MW 1 and got marked documents at Ex M-1 to Ex M-5, the I party examined herself as WW 1 in Examination-in-chief on 29-11-2002 and documents at Ex. W-1 to W-10 were marked as per the Order Sheet dated 29-11-2002, Learned counsel representing the II party not being present on that day, WW 1 stood discharged and the case came to be posted for Arguments by 18-12-2002 on which date, the Management filed an application to recall WW 1 and my learned predecessor after having considered the application filed by the Management allowed the same, calling upon WW 1 to be present before the tribunal for cross-examination on 06-02-2003. There after case under went several adjournments on one ground or other and ultimately when it was taken up for hearing on 17-06-2004, WW 1 remained absent before this tribunal and court passed an order to the effect that she must be present before this tribunal finally on 19-08-2004. However, on 19-08-2004 neither the I party (WW 1) nor her advocate made appearance before this tribunal and in the result she was discharged and the matter came to be posted for arguments on merits. On 04-02-2005, learned counsel for the Management filed notes of the written arguments and where as the learned counsel for the I party remained absent. On 18-02-2005 once again learned counsel for the I party remained absent and therefore arguments were taken as heard and case is posted for award this day.

5. Learned counsel for the Management, vehemently, argued that keeping in view the admitted facts brought on record in the aforesaid letter dated 03-03-1994, treated as claim statement on behalf on the I party and the stand taken by the Management substantiated by the oral testimony of MW 1 coupled the documents at Ex. M-1 to Ex. M-5, the claim of the I party for Reinstatement/Re-employment under the Management does not arise. He submitted that the I party undisputedly was appointed to the above said EDSV post provisionally against the leave vacancy caused by one Smt. Nirmala and the appointment order was given at Ex. M-2 making it very clear that she was being appointed provisionally and that her services would come to an end as soon as a regular appointment was made to the above said post. Therefore, learned counsel submitted that provisions of I D Act would not attract to the present

case in the light of the admitted position of either side. In support of his arguments that, the I party being appointed on provisional basis she cannot claim any sort of right either to seek re-employment or reinstatement, learned counsel relied upon an unreported decision of our Hon'ble High Court in W. P. No. 21331-33/2000 dated 18-08-2001. As noted above learned counsel for the I party was not available to the court when the matter was taken up to hear the final arguments. After having gone through the records and the aforesaid decision of our Hon'ble High Court in a division bench, I find substance in the arguments advanced for the Management.

6. In the very words of the I party as per the aforesaid letter dated 03-03-1994 she worked under the management for a period of about 2½ years to till 01-03-1994 against the leave vacancy of EDSV Post. It is again not in dispute that she was relieved from duty after the above said person Mangesh was selected and appointed to the above said post. Her name being sponsored through the Employment Exchange. It is again that the disputed fact that her Appointment and termination were in accordance with the ED Agents (Service and Conduct) Rules 1964. It is not disputed vide Ex. M-2 that I party was appointed provisionally under the clear terms that her services will be terminated no sooner a Regular appointment was made making it further clear that she will have no claim for appointment to any post there after. MW 1 in his deposition also once again reiterated the case of the Management to the effect that the appointment of the I party was provisional subject to the regular appointment. There was no cross-examination to MW 1 disputing the above said fact. In other words the I party did not dispute the fact that her appointment was provisional and her services were liable to be terminated since there was an appointment of regular candidate to the above said post. It is again not in dispute that the services of the I party actually came to be terminated when the above said Mangesh was duly selected for the above said post and the post held by the I party on account of leave vacancy was to be filled up as per the above said conduct rules. However, as could be seen from the admitted facts brought on records, during the course of conciliation proceedings, the Management was kind enough to provide job of EDPM at Ulga Village in Karwar Taluk and she was called upon to give her willingness or otherwise in the matter. The letter at Ex. W-1 dated 09-12-1994 was written by the Superintendent of Post Offices of Karwar to the I party seeking her willingness to be appointed to the said post but unfortunately by her letter dated 13-12-1994, the I party declined to take charge of the said post putting forth her personal problems. Therefore, keeping in view of the fact that her appointment was provisional and the fact that she declined to accept the assignment offered by the Management, the I party once again cannot assert her

claim or right against the management to seek re-employment or reinstatement. that too, under the provisions of the ID Act. Moreover, the learned counsel rightly took the support of the above said decision of our Hon'ble High Court to laying down the principles of law that such a provisional employee gets no rights to claim against the Management. Their lordship of our Hon'ble High Court in the aforesaid decision have made it abundantly clear that such an engagement will confer no right of regular appointment. It was abundantly made clear that the present appointment as a substitute and as a stop gap arrangement so as to say as a provisional appointment gives no right to claim the status of a regular employee. In the instant case, as noted above, the I party was provided employment on provisional basis with clear terms of appointment that her services will be terminated as soon as a regular appointment was made to the post held by her. In the result it cannot be said that the Management was not justified in terminating the services of the I party. However taking into consideration the fact that the I party worked under the management for about a period of 2½ years, the lady deserted by her husband and to look after her two children, it appears to me that ends of justice will be met if a direction is made to the Management to provide her employment atleast on the provisional basis itself whenever there is vacancy of permanent post. Accordingly, the reference is answered and following award is passed.

### ORDER

Reference is rejected. However, with a direction to the Management to provide the I party employment on provisional basis to a permanent post as and when the vacancy arose in preference to any other fresh candidate.

(Dictated to the L. D. C., transcribed by him, corrected and signed by me on 22nd March, 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

**का. आ. 1567.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर./127/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2005 को प्राप्त हुआ था।

[सं. एल-40012/94/95-आई आर (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

**S.O. 1567.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/127/96) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 31-3-2005.

[No. L-40012/94/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/127/96

Shri C. M. Singh, Presiding Officer

Shri Man Singh,

S/o Shri Gyan Singh,

Qr. No. 109, Near Durga Mandir,

Shahid Colony,

Bhopal (MP)

... Workman

*Versus*

The Chief General Manager,

Telecom, Bhopal.

The Sub Divisional Engineer,

Regional Repairs Centre

(C. D. Bhoti), Bhopal

... Management

### AWARD

Passed on this 17th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-42012/94/95-IR (DU) dated 30-5-96 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Chief General Manager, Telecom, Bhopal and Sub Divisional Engineer, Regional Repairs Centre, Bhopal in terminating the services of Shri Man Singh is justified ? If not, to what relief the workman is entitled to ?"

2. After the reference order was received, it was registered on 4-6-96 and notices were issued to the parties. But nobody appeared for the workman. Instead an application bearing No. 3 was received on 20-12-2004 purporting to be moved by the workman wherein it is mentioned that he has been taken back in the employment of the management. By the aforesaid application, the workman requested for the withdrawal of the reference. The above application and non-appearance of the workman clearly indicate that the workman does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India. Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1568.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन मिलिट्री ऐकाडमी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 142/02, 145/02, 16/03, 17/03, 18/03, 77/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-3-2005 को प्राप्त हुआ था।

[सं. एल-14012/13/2002-आई. आर. (डी. यू.);

एल-14012/11/2002-आई. आर. (डी. यू.);

एल-14012/37/2002-आई. आर. (डी. यू.);

एल-14012/39/2002-आई. आर. (डी. यू.);

एल-14012/40/2002-आई. आर. (डी. यू.);

एल-14012/18/2003-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 31st March, 2005

S.O. 1568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Nos. 142/02, 145/02, 16/03, 17/03, 18/03, 77/03) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Indian Military Academy and their workman, which was received by the Central Government on 31-3-2005.

[Nos. L-14012/13/2002-IR (DU);

L-14012/11/2002-IR (DU);

L-14012/37/2002-IR (DU);

L-14012/39/2002-IR (DU);

L-14012/40/2002-IR (DU);

L-14012/18/2003-IR (DU);

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, LUCKNOW  
PRESENT :**

Shrikant Shukla, Presiding Officer

1. I. D. No. 142/2002

Ref. No. L-14012/13/02-IR(DU), dt. 1-8-02

**BETWEEN :**

Sri Gajendra Singh, S/o Sh. Amar Nath,  
Village, Jolly Grant (Upper),  
P.O. Jolly Grant (Upper),  
Dehradun.

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Dehradun

2. I. D. No. 145/2002

Ref. No. L-14012/11/02-IR(DU), dt. 1-8-02

**BETWEEN :**

Sri Govind Singh,  
S/o Roop Singh Bisht,  
Village Barrowalla,  
P. O. Barrowalla,  
Dehradun

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Dehradun

3. I. D. No. 16/2003

Ref. No. L-14012/37/02-IR(DU), dt. 21-10-02

**BETWEEN :**

Sri Kalli Ram, S/o Ram Swarup,  
R/o Panditwari, P. O. Prem Nagar,  
Dehradun.

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Dehradun

4. I. D. No. 17/2003

Ref. No. L-14012/39/02-IR(DU), dt. 21-10-02

**BETWEEN :**

Sri Jai Ram, S/o Sh. Radhey Shyam,  
R/o Village Gorakhpur,  
P. O. Prem Nagar,  
Dehradun.

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Prem Nagar, Dehradun



**5. I. D. No. 18/2003**

Ref. No. L-14012/40/02-IR(DU), dt. 21-10-02

**BETWEEN :**

Sri Sachin Kumar, S/o Late Sh. Rajinder Singh,  
R/o Village, Panditwari, P. O. Prem Nagar,  
Dehradun

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Prem Nagar, Dehradun

**BETWEEN :**

Sri Vijay Kumar, S/o Sh. Ram Kishore,  
R/o H. No. 23/A, Mohanpur,  
P. O. Prem Nagar,  
Dehradun

**AND**

The Commandant,  
Indian Military Academy,  
P. O. Rangar Walla,  
Prem Nagar, Dehradun.

**AWARD**

The Government of India, Ministry of Labour has referred the dispute regarding legality of termination of following workers w.e.f. dates mentioned against them vide order mentioned against them :

**6. I. D. No. 77/2003**

Ref. No. L-14012/18/03-IR(DU), dt. 21-7-03

Sl. No.	Name	F/o Name	Date of termination	Reference order
1.	Gajendra Singh	Amar Nath	4-8-01	L-14012/13/02-IR DU, dt. 1-8-02
2.	Govind Singh Bisht	Roop Singh Bisht	13-6-01	L-14012/11/02-IR DU, dt. 1-8-02
3.	Kalli Ram	Ram Swarup	9-12-2000	L-14012/37/02-IR DU, dt. 21-10-2000
4.	Jai Ram	Radhey Shyam	14-12-2000	L-14012/39/02-IR DU, dt. 21-10-02
5.	Sachin Kumar	Rajinder Singh	11-8-01	L-14012/40/02-IR DU, dt. 21-10-02
6.	Vijay Kumar	Ram Kishore	10-12-2000	L-14012/18/03-IR DU, dt. 31-7-03

According to Gajendra Singh he was employed as Waiter as per following details :

1.	1999	18-1-1999	to	25-05-1999
2.	2000	22-7-2000	to	09-12-2000
3.	2001	21-1-2001	to	04-08-2001

According to Gajendra Singh he was terminated without any prior to 4-8-2001 and has alleged that he has worked for more than 240 days and he is protected under I. D. Act, 1947.

Govind Singh Bisht has alleged in his statement of claim that he has worked in Indian Military Academy as GC Orderly from 21-7-98 to 12-6-2001 as per the details below :

1.	1998	21-7-98	to	12-12-98
2.	1999	18-1-99	to	12-06-99
3.	2000	14-4-2000	to	14-12-2000
4.	2001	18-1-01	to	12-06-01

Govind Singh Bisht has also alleged that he worked more than 240 days and has been discharged without following the provisions of the I. D. Act, 1947.

Kalli Ram has alleged in his statement of claim that he worked as GC Orderly/Mashalchi w.e.f. 10-2-98 to 18-12-2000 as per details below :

1.	1998	10-02-98	to	13-06-98 (as G. C. Orderly)
2.	1999	18-01-99	to	12-06-99 (as Mashalchi)
3.	1999	16-07-99	to	11-12-99
4.	2000	22-06-2000	to	8-12-2000 (as Mashalchi)

Kalli Ram has alleged that he had worked continuously about 752 days which is against the provision of various provisions of I. D. Act, 1947.

Jai Ram has alleged in his statement of claim that he worked as Cook with Indian Military Academy w.e.f.



15-7-99 to 14-12-2000 and his services have been discontinued illegally against the provision of I. D. Act, 1947. the details which are reproduced below :

1. 1999 15-07-1999 to 11-12-1999
2. 2000 10-01-2000 to 24-06-2000
3. 2000 22-07-2000 to 13-12-2000

Jai Ram has alleged that he has been continuously engaged for 462 days and since he has worked for more than 240 days he is protected employee under I. D. Act, 1947.

Sachin Kumar has alleged in his statement of claim that he worked as GC Orderly w.e.f. 16-7-99 and was discharged on 10-08-01 thus he has worked for more than 240 days but he has been retrenched without observing the provisions of I. D. Act, 1947, the details he has mentioned as follows :

1. 1999 16-7-99 to 12-12-1999
2. 2000 14-1-2000 to 24-06-2000
3. 2000 22-7-2000 to 19-12-2000
4. 2001 21-1-2001 to 10-08-2001

Vijay Kumar has alleged in his statement of claim that he worked as GC Orderly in Indian Military Academy from 10-2-98 to 9-12-2000 but he was discharged on 10-12-2000 without following the provisions of the I.D. Act. 47. The details he has given as under :

1. 1998 10-02-1998 to 18-03-1998
2. 1998 01-08-1998 to 30-09-1998
3. 1999 22-08-1999 to 04-12-1999
4. 2000 07-01-2000 to 07-06-2000
5. 2000 22-07-2000 to 09-12-2000

According to the allegations in statement of claim it is alleged that juniors have been engaged continuously and new hands have been engaged, to denote the cessation of work that the engagement of the juniors on the same muster-rolls prepared which is nothing but artificial breaks in order to break in the continuity of the work of the applicant.

They have also alleged that they were duly entitled for continuation in service till age of 60 years and their discharge is illegal, wrong, ultra vires and in-operative on the workers and against the provisions of the I. D. Act. They have also alleged that they should be treated continued in the services of India Military Academy from the date of their discharge. It is also alleged that the names of the workers were intentionally deleted while juniors to the workers were continued and more over the juniors

and fresh persons were regularised which is against the provisions of I. D. Act, 1947. The workers have therefore prayed reinstatement from the date of their discharge and provide full back wages from the date of discharge. They have also requested for regularising their services and the worker be given permanent status on the post they were working. The workers have also prayed for seniority and damages.

The opposite party has filed written statement alleging there in that Indian Military Academy being Central Government Office does not fall under the I. D. Act, 1947. For any redressal of grievances, the Govt. of India has constituted the Central Administrative Tribunal (CAT) for Central Govt. Employees. As such the cases does not fall under the jurisdiction of this Tribunal. It is also alleged that the I. M. A. is neither industry nor workers are industrial worker and they were not employed through Employment Exchange but they were engaged for casual nature of work. It is also alleged that they were employed at intermittent period not exceeding 24 days in a month. As such question of conciliation for continuing of their service does not arise. It is also alleged that casual labours are not engaged for vacations in summer/winter for 60 days. It is further submitted that the services of casual labours are required on purely on daily basis as and when required and their services were dispensed with as the same were no longer required. The I. D. Act, 1947 is not applicable to the workers who have filed the statement of claim and Indian Military Academy has not discontinued the services of individual illegally and arbitrarily. Workers were employed on contractual basis. As such giving a notice prior to discontinuance of services was not required necessary. It is denied that the workers were employed continuously un-interruptedly. It is submitted by the opposite party that the worker were discharged from their services due to decrease of GCs strength and their services were no longer required as such they are not entitled for back wages. Denying the allegations of artificial breaks opposite party has stated that it was not a artificial breaks but mandatory vacation period of the Academy. It has also been submitted that the workers were employed as casual labour on daily wage basis their names were not called from or sponsored by the Employment Exchange at the time of casual engagement, and their services does not cover under Central Civil Services. Casual labour are engaged for immediate requirement basis depending upon decrease/increase strength of GCS and work load of casual nature. Hence it is not necessary to re-engage the applicant as casual labour. So far the engagement of the regular workers is concerned it is alleged that casual labours are permitted to compete alongwith another candidate for regular employment. The worker has filed rejoinder in which the allegations of statement of claim were reiterated.

The worker has been cross examined by the representative of opposite party Major Ramesh Chandra and the opposite party has examined Maj. Ramesh Chandra who has been cross-examined by the worker's representative except in I. D. Case No. 18/2003 between Sachin Kumar and I. M. A. where Ramesh Chandra has not been cross-examined.

Opposite party has filed photocopies of orders passed in various cases which are as follows :

1. Photocopy of order dt. 18-11-97 passed in 930/97 Dilip Kumar Sharma & others Vs. Union of India and others by Central Administrative Tribunal, Allahabad.
2. Copy of order passed by Hon'ble High Court dt. 27-11-97 in Civil Misc. Petition No. 39737/97 on the petition of Satish Kumar Vs. State of U. P. & others by the Allahabad High Court.
3. Order of Hon'ble High Court Allahabad dt. 16-12-97 passed in civil misc. W. P. No. 42116/97. Kailash Chandra Vs. State of U. P. & others.
4. Order of Hon'ble High Court dt. 1-12-1999 passed in civil misc. Writ Petition No. 11867/98 Kailash Chandra & Dilip Sharma Vs. Union of India & others.
5. Order of Hon'ble High Court dt. 15-9-03 passed in writ petition 117/01 Arun Kumar Sharma, Madan Lal Vs. Union of India and others.

The Management of Indian Military Academy has also filed the photocopy of general forecast of events.

The management has also furnished photocopy of daily parade gentleman cadets dated 1-10-2001.

Heard learned representatives of the parties and perused the evidence on record.

The first objection taken in written statement by the opposite party is that these cases are not covered under I. D. Act. 47 as Indian Military Academy is not a industry but it has sovereign function of the state.

Arguing the case the representative of the opposite party has stated that Indian Military Academy is providing training to the cadets who are aspirants of commission in Army and this is a sovereign function of the state. The opposite party has also argued that the Indian Military Academy is concerned with imparting training to the commissioned officer which is not available to them in any educational institute. The candidates who are forwarded for training in this institute called as gentleman cadets and to meet the requirement of training of gentleman cadets casual workers are engaged for the period of training only and as soon as

passing out parade takes place the casual employees which are engaged are dispensed with. It is also argued that the Indian Military Academy is sole institution for providing training to the army officer. The opposite party representative Maj. Ramesh Chandra has also argued that the strength of gentleman cadets keep on fluctuating. Sometime it increases sometime it decreases and to meet the requirement due to increase strength of gentleman cadets casual labours are engaged.

It is also argued that the Indian Military Academy is prime institute of the Government of India which is a very sensitive institute and the regular vacancies are filled only after advertisement in the newspapers and after test and interview, the candidates are selected for the post of GC orderly etc. and some of the workers applied in the recruitment but most of them did not succeed in the selection and therefore this Tribunal can not force the Indian Military Academy to retain such casual employees who have not been recruited by adopting the prescribed procedure.

The argument of the opposite party finds support with that all evidence of the workers. It has been admitted by the Vijay Kumar in his cross-examination that vacancies were published in the newspapers in 2001 in which he applied but he could not be selected.

Vijay Kumar has also admitted in his cross-examination that as soon as training of gentleman cadets is over casual labours are dis-engaged. He has also admitted that it is only Indian Military Academy which provides training to the army officers and there is no other institute which can provide training to the army officers.

Maj. Ramesh Chandra has stated in his cross-examination that whatever vacancies exists the same is advertised in the newspapers and after test and interview the candidates are selected by the selection committee and accordingly the appointments are made. He has also stated that for all categories there are rules. He has admitted that at present 14 posts are vacant for which the government has been approached for sanction and in case the workers apply, the same shall be considered. He has also stated in cross-examination no seniority list is meant for casual labours.

The representative of the worker has strongly argued that the function of the opposite party is that of industry. Its employees general Orderlies, Masalchi and Cook and such trade workers are also employed in other industries and therefore the Indian Military Academy be considered as industry and the workers were industrial workers.

I come to the conclusion that the Indian Military Academy is engaged in a activity of providing specialised training to the gentleman cadets of the Armed forces and

after the passing out parade they are conferred the commission. It is only prime institute for providing training which is not available elsewhere. It is very sensitive institution therefore I come to the conclusion that Indian Military Academy is not engaged in a activity which can be called business, trade or manufacture. It is a institute discharging government functions for the defence of the country and therefore it is sovereign function of the state. The opposite party has relied on 1997 (II) LLJ page 625 Physical Research Laboratory Vs. K. G. Sharma of the Hon'ble High Court and I rely on the said case law. The parties of this institute is engaged in specialised i.e training to the army officers and therefore I come to the conclusion that the Indian Military Academy is not a industry and therefore the workers are not covered under the I. D. Act, 1947.

In the present case the engagement of the persons for casual work is only when the gentlemen cadets come to the institution for training and in case there is no training the casual labours are not required and therefore they are dis-engaged. It can be inferred from all the circumstances, the engagements of these workers for casual nature of work only for the period of gentlemen cadets training and their services automatically dispensed with after training.

It is also pertinent to mention here that whenever the vacancy arises the workes are permitted to participate in the open selection which is conducted by the selection committee the candidates after tested and interviewed suitable persons are selected. Workers if qualify in the said test and interview are selected.

In the present circumstances I rely on the judgement published in 2002-III LLJ page 469 of High Court, Kerala between President Peroorkada Cooperative Bank, Triyandrum Vs. S. Sheena & Others wherein it has been held that engagement for persons for casual work to audit and accounts on daily wages for intermittent periods. Denial of work to some held could not be held retrenchment. Hon'ble High Court observed that the workers did not under go the selection process. There was, therefore, no retrenchment within the meaning of the I. D. Act, 1947. It is pertinent to mention here that Vijay Kumar was invited vide letter No. D. 95206/Casual/ Estt.-I, dt. 19-11-04 for job with immediate effect but he did not join the duties instead he refused. The worker has stated during argument that after employing the worker he shall be again retrenched therefore he was willing to join only when he was appointed on regular basis. The issue does not relates to regularisation of the workers and the workers wilfully refused to join as casual labour. It is presumed that they are gainfully employed somewhere else.

Maj. Ramesh Chandra has stated that Sachin Kumar was offered employment on casual labour

@ Rs. 84 per day time and again vide letters dt. 4-12-04, 19-12-04, 11-1-05 and 29-1-05. But the worker has not turned up for employment. There is no satisfactory explanation from the workers as to why he has not turned up for employment. This shows that Sachin Kumar is gainfully employed elsewhere.

The representative of the opposite party Maj. Ramesh Chandra has argued that Jai Ram the other worker was also offered employment of casual labour vide letters dt. 4-12-04, 19-12-04, 11-1-05 and 29-1-05. But worker has denied to join the job. Workers representative stated that worker denied because he was not given offer of appointment as regular worker. Opposite party representative stated that workers can not claim to be given offer of appointment as regular employee.

In the case of Kalli Ram the opposite party representative have stated that he too was offered the appointment as casual labour but he did not turn up to work as casual labour. He has therefore argued that worker is gainfully employed somewhere else therefore he is not interested to work as casual labour.

Similarly in the case of Govind Singh Maj. Ramesh Chandra has stated that the worker Govind Singh was also offered employment as casual labour at various occasions through written letters but he did not turn up therefore it should be presumed that worker Govind Singh is gainfully employed elsewhere.

On the discussions above I come to the conclusion that the workers who have filed different statement of claim are not industrial worker and the opposite party India Military Academy is not industry and trade business disengagement is not illegal or unjustified. Workers are not entitled for any relief. Award accordingly.

Lucknow

22-3-2005

SHRIKANT SHUKLA. Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1569.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीजापुर ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 11/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-12012/479/2001-आई. आर. (बी. I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

**S.O. 1569.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bijapur Gramina Bank and their workman, which was received by the Central Government on 30-3-2005.

[No. L-12012/479/2001-IR(B-1)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 18th March, 2005

#### PRESENT :

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 11/2001

I Party	II Party
Sri B. S. Kirangi.	The Chairman.
Yankachi P. O.,	Bijapur Gramina Bank.
Sindagi Taluk.	Viveknagar West.
Bijapur District.	BIJAPUR (PO)-586101.
BIJAPUR-586101	Karnataka

#### Appearances :

I Party :	M. Rama Rao, General Secretary
II Party :	K. G. N. Prasad/B C Prabhakar Advocate

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L 12012/479/2001-IR(B-1) dated 05-02-2001 for adjudication on the following schedule :

#### SCHEDULE

“Whether the action of Bijapur Gramina Bank, Head Office, Bijapur is justified in imposing the punishment of dismissal from service on Shri B. S. Kirangi applicant is justified? If not, what relief the workman is entitled?”

2. A Charge Sheet dated 08-10-1998 was issued to the I party workman as under :

**Para 1 :** That while working in our Golageri branch since 29-06-1994 as Messenger-cum-

sweeper, on or about 06-07-1998 you received cash of Rs. 2,000 from Sri G. C. Math for crediting to his S. B. Account No. 2543. But you did not credit the said amount to Bank cash account and mis-utilised Rs. 2,000 for your benefits. Thus you mis-utilised the customers money for your personal use by falsifying bank records.

**Para 2 :** That on or about 01-08-1998 you received cash of Rs. 1,200 from Sri C. D. Bure for crediting to his S. B. Account No. 62. After receiving the cash you entered in the pass book No. 62 unauthorisedly and raised the balance. But you did not credit the cash to S. B. Account No. 62 and retained with you unauthorisedly and mis-utilised the said amount for your personal use.

Thus you mis-utilised an amount of Rs. 1,200 received from the party for your personal use and falsified the Bank records.

**Para 3 :** That on or about 08-06-1998 and 08-07-1998 you received Rs. 200 each from Sri N. G. Handral for crediting to P. D. Account No. 458 of Kumari Anusuya. After receiving the said amount you made entry in the P. D. Pass Book No. 458 in the respective months unauthorisedly. But did not credit the said amount to Bank cash account and mis-utilised the said amount for your personal use.

“Thus you misappropriated the depositors money for your personal use, by falsifying Bank records.

**Para 4 :** That on 11-06-1998 and 01-07-1998 you received Rs. 200 and Rs. 300 respectively from Sri S. S. Kori for crediting to his loan account No. RT 22/96. After receiving the said amount you issued counter foil unauthorisedly. You prepared the counter foil, affixed ‘Cash Received’ seal and signed in the place provided for the signatures of Cashier and Manager. After forging Cashier and Manager’s signature and affixing ‘cash Received’ seal you issued counter foil to Sri S. S. Kori, for having credited the amount to party’s loan account. You have not credited the said amount to loan account soon after receiving the same and mis-utilised for your personal benefit. The said amount was credited by you to loan account No. 22/96 on 22-08-1998.

Thus you mis-utilised an amount of Rs. 500 received from Sri S. S. Kori for your personal benefit. You issued counter foil by forging Cashier and Manager’s signatures and affixing ‘cash Received’ seal and falsified the records of the Bank.

**Para 5 :** That you received Rs. 500 from Sri Shivanna R. Moodalbai R/o Golageri for crediting to his P. D. Account No. 414 towards the

instalments of June and July 1998 of Rs. 250 each. But you did not credit the said amount to the party's P.D. Account No. 4141 immediately in the respective months. You temporarily mis-utilised said amount for your personal use and credited the same to Bank Account on 14-08-1998.

Thus you mis-utilised an amount of Rs. 500 given by the party for your personal benefit.

**Para 6 :** That on 17-07-1998 you received cash of Rs. 1100 from Sri Vishnu Malakappa Bailapattar R/o Golageri to credit to his P. D. Account No. 451. After receiving the cash neither you credited the same to his P. D. A/c. nor Bank's cash account. You retained the said amount with you unauthorisedly and temporarily mis-appropriated for your personal use.

You received an amount of Rs. 1100 from Sri V. M. Railapattar on 17-07-1998 and retained with you un-authorisedly and credited the same to party's P. D. Account No. 451 on 22-08-1998. Thus you temporarily mis-appropriated said amount for your personal use.

That in the process, you failed to observe, comply with and obey all orders and directions of the Bank. You also failed to serve the Bank honestly and faithfully and use your utmost endeavour to promote the interest of the Bank and conducted yourself in a manner in violation of Regulation No. 17 and 19 of the Bijapur Grameena Bank Staff Service Regulations 1983."

3. After the reply given by the I party to the said charge sheet, the Domestic Enquiry was ordered against him and on the basis of the findings recorded by the Enquiry Officer holding the I party guilty of the aforesaid charges, the Disciplinary Authority dismissed the I party from his services.

4. Aggrieved by the aforesaid dismissal order, the I party appears to have preferred an appeal and that came to be rejected by the Appellate Authority. Then he raised an Industrial Dispute and the reference on hand came to be made to this tribunal by the Government of India.

5. Before this tribunal, the I party filed his claim statement with the averments that the order of dismissal passed against him is liable to be set aside for the reasons that he did not know English language and whereas the Enquiry Proceedings were conducted against him in English turning down his request to conduct the same in Kannada Language though all along he made representation to the Management in Kannada Language only. He contended that he was placed under suspension unilaterally and his request to pass an order of suspension in Kannada Language was not considered. He contended that the Manager threatened him and demanded

resignation from him in case he did not act as per his directions and that believing the words of the Manager that he will be continued in the employment he put the signature as per his directions. Therefore, the admission of guilt by the I party by taking his signature was under the threats given by the Management. He contended that charge sheet was issued to him in English Language and on the assurance given by the Management he alone attended the enquiry not knowing that he could have taken the assistance of Defence Representative. He signed the Enquiry Proceedings believing the words of the Manager and he was furnished with the findings of the Enquiry Officer, which were again in English Language, and therefore he could not understand the findings of the Enquiry Officer. He was not permitted to take the assistance of Defence Representative and therefore he was not given an opportunity to cross-examine the Management witness. The I party further stated that he has rendered 14 years of clean service with a clean record and therefore the Management has caused injustice to him in removing him from service by way of dismissal order. He contended that the Domestic Enquiry was conducted against the established principles of law and against the principles of Natural Justice and that his suspension during the course of enquiry was illegal. He contended that due to the impugned punishment order he and his family members are suffering and that he has not been gainfully employed though made efforts to seek the job after he his dismissal from service. Therefore, the I party requested this tribunal to set aside the dismissal order and to reinstate him into service without consequential benefits.

6. The Management by its counter statement, however, denied almost all the aforesaid averments made by the I party in his claim statement however not disputing the fact that the I party was placed under suspension during the course of enquiry and suspension order was in English. It also did not dispute the fact that the charge sheet was issued in English, proceedings of enquiry were conducted in English and findings of the enquiry was also were rendered in English. The Management however, disputed the fact that the I party did not know English Language and that he made a request either with the Management nor with the Enquiry Officer to pass suspension order in Kannada Language to conduct the enquiry in Kannada Language order to furnish enquiry findings in Kannada Language. The Management contended that the I party in the very first instance while giving his reply to the charge sheet in his own words admitted the charges of misappropriation of funds belonging to the bank and therefore question of I party not understanding the charges made in English did not arise. The Management contended that despite the admission of guilt by the I party it thought it proper to give reasonable opportunity to the I party to defend

himself and therefore ordered an Domestic Enquiry against him; that the I party was read over and explained with the charges by the Enquiry Officer once again admitted the misconduct committed by him and just to afford fair and reasonable opportunity to the I party, the Enquiry Officer thought it proper to call upon the Management to lead oral and documentary evidence in support of the charges levelled against the I party; that the Management to be on the safer side therefore lead oral evidence of three witnesses, examined as MW 1 to MW 3 and got marked in all 35 documents at Ex. MD 1 to Ex. MD 35; that the I party was called upon to cross-examine those witnesses but declined to do so once again admitting the charges of misconduct. It is for the same reason he also did not lead any evidence on his part though opportunity was given to him by the Enquiry Officer. Therefore on the conclusion of the enquiry, Enquiry Officer submitted his findings holding the workman guilty of the charges and based on the findings, the I party was dismissed from service. His appeal against the dismissal order was rejected. Therefore, the Management contended that Enquiry Proceedings conducted against the I party is in accordance with the principles of natural justice giving fair and proper opportunity to him to defend himself and therefore it cannot be said that enquiry was in violation of principles of natural justice or that findings of the enquiry suffered from any perversity, much less, to contend that order of dismissal was illegal and punishment was disproportionate.

7. Keeping in view the pleadings of the respective parties with regard to the validity and fairness or otherwise of the Enquiry Proceedings, my learned predecessor in the first instance took up the above said question by way of preliminary issue. The management examined the Enquiry Officer as MW 1 and got marked 5 documents at Ex. M-1 to Ex. M-5. On his part the I party examined himself as WW 1 and in his cross-examination other 3 documents namely Ex. M-6 to Ex. M-8 were marked on behalf of the Management. After hearing the learned counsel for the respective parties my learned predecessor on 21-03-2003 answered the above said issue in favour of the Management holding that the enquiry is fair and proper.

8. I have heard the learned Shri M. R. R. representing the I party and learned counsel for the management Shri K. G. N. Prasad for B. C. Prabhakar on merits of the case including the perversity of the findings and quantum of punishment.

9. Shri M. R. R. vehemently argued that the entire process of issuing of the charge sheet to the I party, holding of the enquiry, adducing oral and documentary evidence during the course of enquiry and the findings passed thereon were all in violation of Principles of Natural Justice inasmuch as, I party was victimized by

the Management taking undue advantage of his illiteracy and his subordination to the then Manager of the branch obtaining his signature over certain papers amounting to admission of guilt by the I party. Learned Representative submitted that the proceedings conducted by the Management from the date of issuing the charge sheet and culmination of the Enquiry Proceedings resulting into the impugned punishment order were all done in English Language not understood by the I party and thereby there was a miscarriage of justice crept in rendering the I party jobless after he served the Management with all honesty and sincerity for about a period of 14 years. His next contention was that the I party has nothing to do with the charges of misconduct levelled against him as he was not an official supposed to deal with Cash transactions of the Bank so as to receive amounts from various customers of the bank and to be accounted for in the records maintained by the Bank, he being a 4th grade employee working as a Messenger. Therefore, when the I party was not at all the custodian of the Cash transactions, it was wrong for the Management to hold responsible for the alleged charges of misconduct that too, letting off the cashier and other staff members of the bank involved in the matter.

10. Whereas, learned counsel for the management vehemently argued that the charges of misconduct were proved against the I party not only in the admissions made by him as per his letter at Ex M-6 and Ex M-7, but also during the course of enquiry before the Enquiry Officer. Those charges were also established by the Management by adducing very cogent and sufficient evidence in the statements of MW 1 and MW 3 and documents at Ex. MD 1 to MD 35. Therefore, the I party now cannot be allowed to contend that the whole process of enquiry was bereft of legal sanctity or in violation of principles of natural justice taking an after thought contention that he knew only Kannada and not English language, particularly when he admitted the guilt in his own writing and signatures that too made in Kannada language itself. Learned counsel further argued that keeping in view the documentary and oral evidence produced in the enquiry and cogent and valid reasonings given by the Enquiry Officer holding the workman guilty of the charges, it can never be said that the findings of the Enquiry Officer suffered from any perversity. He further contended that keeping in view the gravity of the misconduct committed by the I party not on one occasion but on several occasions misappropriating the funds of the bank, punishment of dismissal was the only the way out for the Management and therefore no sympathy could be shown to the party keeping in view the fact that the Management bank is supposed to be the custodian of the public money to be taken care of by the Officials of the Management itself. After having gone through the records, I find substance in the arguments advanced on behalf of the Management.



11. Keeping in view the findings recorded by this tribunal holding that the Domestic Enquiry conducted against the I party by the II party is fair and proper, the scope available to the I party to come out of the clutches of the impugned dismissal order was by way of establishing before this tribunal that findings of the enquiry on fact suffered from any perversity. The arguments advanced for the I party once again challenging the Enquiry Proceedings are not at all available to him after finding was recorded by this tribunal on the said point. As far as perversity of the findings is concerned it is very much interesting to note that nowhere in the claim statement, the I party has challenged or attacked the findings of the enquiry as suffering from any sort of illegality or perversity. Throughout the claim statement he was very much content with the averments challenging the Enquiry Proceedings. The learned representative of the I party in his arguments also could not highlight or point out any defect with the findings of the Enquiry Officer either on the ground that there was no sufficient and legal evidence available on record or that the reasonings assigned by the enquiry officer were not cogent and valid having reference to the evidence brought on record. In order to see whether the findings of the Enquiry Officer are supported by sufficient and legal evidence, it appears to me worthwhile to bring on record the observations and the reasonings given by the Enquiry Officer on each of the charge of misconduct levelled against the I party, as under :

#### **CHARGE NO. 01 :**

In support of the charge, the Presenting Officer has filed seven documents MD 1 to MD 7 and two witnesses. Shri B. S. Kirangi has not produced any documents and witnesses in defence.

The deposition by the MW 1 and MW 2 goes on record unrebutted as the charge sheeted employee has not cross-examined the MW 1 and MW 2. The deposition by the MW 1 is supported by the documents MD 1 to MD 3 and MD 5 to MD 7. The deposition by MW 2 is also supported by MD 4 to MD 7, the Management documents MD 1 and MD 2 are the letters given by Sri B. S. Kirangi dated 03-08-1998 and 24-10-1998 respectively confessing the misappropriation by him. MD 3 confirms that Sri P. C. Hunakunti received to SB 2543 the cash of Rs. 2,000 only on 24-08-1998. The slip is signed by Sri B. S. Kirangi for having credited Rs. 2,000 to SB A/c. No. 2543 on 24-08-1998. MD 6 is the Pass Book of SB 2543, wherein there are scratches on the credit entry of Rs. 2,000 and outstanding balance. MD 7 shows no entry after 07-08-1998. MD 4, the letter dated 13-08-1998 by MW 2 supports the deposition of MW 2. Therefore the contents of the documents MD 1 to MD 7 and the

deposition by MW 1 and MW 2 corroborate and goes on record. The same is unrebutted by the defence. In turn, Shri B. S. Kirangi has voluntarily agreed for having misutilised Rs. 2,000 cash of Sri G. C. Math. Therefore Sri B. S. Kirangi has misappropriated the cash of Rs. 2,000 of the Bank's customer.

#### **CHARGE NO. 02 :**

The Presenting Officer has filed 5 documents (MD 8 to MD 12) and produced one witness MW 1 in support of the charge. Sri B. S. Kirangi has not produced any document/witnesses in defence.

The deposition by MW 1 goes on record unrebutted as the MW 1 was not cross-examined by Sri B. S. Kirangi. The Management documents MD 8 to MD 12 support the deposition of the MW 1. MD 8 is the letter by Shri C. D. Bure, account holder of SB 62, which state that he had given cash to Sri B. S. Kirangi for crediting to SB A/c. and he had not credited, but given credit later. MD 9 is the letter dated 13-08-1998 of MW 1. The contents of this document corroborate the deposition by MW 1. It states that Sri B. S. Kirangi took Rs. 1,200 from Sri C. D. Bure on 01-08-1998 for crediting to his SB A/c. No. 62 but did not credit up to 22-08-1998. Sri B. S. Kirangi has made scratches in the Pass Book (MD 11). He credited Rs. 400 on 22-08-1998 (MD 10). MD 12 is the ledger sheet.

The deposition of MW 1, is corroborated by the Management documents MD 8 to MD 12. Since there is no cross-examination of MW 1 by Sri B. S. Kirangi, the deposition by MW 1, goes on record to support the charge No. 2. In turn, Sri B. S. Kirangi has agreed for misappropriating cash of Rs. 1,200 received from Sri C. D. Bure.

#### **CHARGE NO. 03 :**

The Management documents MD 13 to MD 21 (eight documents) are filed by the Presenting Officer in support of the charges. The Presenting Officer has also produced three witnesses, MW 1 to MW 3 in support of the charge. There is no witness and no document produced by Sri B. S. Kirangi in defence.

MD 13, MD 15 and MD 14 are the letters dated 13-08-1998 made and signed by the Management witnesses MW 1, MW 2 and MW 3 respectively. The contents of MD 13 support the deposition of MW 1. Likewise the contents of MD 15 and MD 14 support the deposition by MW 2 and MW 3 respectively. MD 16 and MD 17 are credit slips dated 08-08-1998 and MD 18 is the credit slip dated

22-08-1998. MD 19 is the PD Pass Book. MD 20 A, B, C, are the Cash scrolls and MD 21 is the certified copy of the PD Ledger (A/c. No. 458). The transactions appearing in the documents MD 16 to MD 21 reveal that Sri B. S. Kirangi credited Rs. 400 to Pd 458 on 22-08-1998. Sri B. S. Kirangi has not credited the amount on 08-06-1998 and 08-07-1998. These two entries made in the PD Pass Book and Ledger are false. In Pass Book he has forged the initials.

Therefore the deposition by MW 1, MW 2 and MW 3 goes on record unrebutted as there was no cross-examination of these witnesses by Sri B. S. Kirangi. The deposition of witnesses and documents corroborate and confirm the misappropriation of Rs. 400 of Sri N. G. Handrala by Sri B. S. Kirangi. Sri B. S. Kirangi has not denied the misappropriation and in turn has agreed for having misappropriated Rs. 400 of Sri N. G. Handrala. He has recredited Rs. 400 to Bank on 22-08-1998.

#### CHARGE NO. 04 :

Five documents (MD 22 to MD 26) were filed and 3 witnesses were produced by the Presenting Officer in support of the Charge. The chargesheeted employee has not produced any document/witness in defence.

The deposition by MW 1, MW 2 and MW 3 corroborate each other. MD 22 is a letter of Sri B. S. Kori. The contents of this letter is supported by the deposition by MW 1 and MW 2. MD 23, MD 24 are the counterfolios for Rs. 200 & Rs. 300 each and show the signatures of Cashier and Manager which are forged by Sri B. S. Kirangi. MD 25 is credit slip for Rs. 500 dated 22-08-1998 signed by Sri B. S. Kirangi for having recredited the amount to RT 22/96. MD 26 is a ledger extract of RT 22/96 account. The contents of Management documents MD 22 to MD 26 are corroborated by the deposition of MW 1, MW 2 and MW 3. Therefore Sri B. S. Kirangi misappropriated Rs. 500 of Sri B. S. Kori. He forged the signatures on counterfolios. From the above it leads to believe that Sri B. S. Kirangi has misappropriated Rs. 500 of Sri B. S. Kori which he recredited to RT A/c. No. 22/96 only on 22-08-1998.

#### CHARGE NO. 05 :

The Presenting Officer has produced one witness (MW 1) and 05 documents (MD 27 to MD 31) in support of the charge. Sri B. S. Kirangi has not produced any witness documents in defence.

MD 27 is the letter dated 14-08-1998 by Sri S. R. Mahabhai alleging that his amount of Rs. 500

given to Sri B. S. Kirangi not credited to his PD A/c. No. 414. MD 29 is another letter dated 22-08-1998 by Sri S. R. Mahabhai stating that his PD Account recredited on 14-08-1998. MD 28 is credit slip dated 14-08-1998 showing credit of Rs. 500 to PD 414. MD 30 is cash scroll dated 14-08-1998 and MD 31 the certified copy of PD 414, showing credit of Rs. 500 on 14-08-1998. The deposition by MW 1 corroborate the contents of MD 27 to MD 31.

The deposition of MW 1 goes on record to confirm that Rs. 500 received by Sri B. S. Kirangi from Sri S. R. Mahabhai was not credited to PD 414 up to 14-08-1998 and he recredited only on 14-08-1998. The deposition goes on record unrebutted as there was no cross-examination by the chargesheeted employee. In turn, Sri B. S. Kirangi has agreed for misutilising the said amount. The deposition of MW 1 corroborate MD 27 to MD 31. Hence it leads to believe that Sri B. S. Kirangi has misutilised Rs. 500 of the customer.

#### CHARGE NO. 06 :

The Presenting Officer has filed 04 documents (MD 32 to MD 35) and produced one witness (MW 1) in support of the charge. Sri B. S. Kirangi has not produced any witnesses/documents in defence.

MD 32 shows the credit of Rs. 1,100 to PD 451 on 22-08-1998. The slip is signed by Sri B. S. Kirangi. MD 33 letter by Sri V. M. Bailapattar states that he had paid Rs. 1,100 on 17-07-1998 to Sri B. S. Kirangi for crediting to his PD 451 but he credited it only on 22-08-1998. MD 34 is certified copy of PD 451, shows credit of Rs. 1,100 on 22-08-1998. MD 35, the cash scroll also shows the credit of Rs. 1,100 on 22-08-1998.

The deposition by MW 1 corroborate the contents of MD 32 to MD 35. The deposition of MW 1 goes on record as there was no cross-examination by the Charge Sheeted employee. The deposition of MW 1 and the documents MD 32 to MD 35 confirm that Sri B. S. Kirangi has misutilised Rs. 1,100 of Sri V. M. Bailapattar from 17-07-1998 to 22-08-1998. Sri B. S. Kirangi has also voluntarily disclosed the matter to MW 1 and agreed and recredited the amount misutilised by him. Therefore it leads to believe that Sri B. S. Kirangi misutilised Rs. 1,100 of Sri V. M. Bailapattar.

(16) The written arguments of Presenting Officer and the charge-sheeted employee are received.

(17) On appreciation of all the oral and documentary evidences and the admittance of



charges by the Charge Sheeted employee on the foregoing pages. the reply to the issues framed by me is positive.

- (i) Sri B. S. Kirangi has misutilised the amounts received by him for crediting to the accounts SB 2543, SB 62, PD 458, PD 414, PD 451 and RT 22/96.
- (ii) Sri B. S. Kirangi committed misutilisation, cheating, forgery falsification of Bank records, misuse of official position. He violated Regulation Nos. 17 and 19 of Staff Service Regulation of the Bank.

I find that all the charges vide Charge Sheet No. BGB/PER/468/98 dated 08-10-1998 are established against Sri B. S. Kirangi. By establishing all the charges, the Management has proved that Sri B. S. Kirangi has shown dereliction of duty, acted detrimental to the interest of the Bank, cheated the customers and the Bank, misutilised customers and Bank's money, committed forgery, falsified Bank records, misused official position, revealing lack of sincerity, honesty and integrity. He violated Regulation Nos. 17 and 19 of Staff Service Regulations of the Bank.

Hence, I hold Sri B. S. Kirangi, Messenger-cum-Sweeper (Under suspension), guilty of all the charges vide Charge Sheet No. BGB/PER/468/98 dated 08-10-1998."

12. Now therefore, in the light of the above, by no stretch of imagination it can be said that the findings suffered from perversity. To show that findings suffered from perversity it is to be substantiated by the I party that it was a case of 'No Evidence' or was a case of 'Insufficient Evidence'. In the instant case, as noted above, Management examined three competent witnesses including the Manager of the concerned Branch as MW 1 to MW 3 and as many as 35 documents were marked for the Management. As can be read from the Enquiry Proceedings at Ex. M4 and the enquiry Report at Ex M-5, three management witnesses were examined in the presence of the I party with reference to the documents at Ex MD 1 to Ex MD 35. At the end of the every deposition of the Management witnesses, the I party was called upon by the Enquiry Officer to cross-examine the Management witnesses if he wanted, but he declined to do so on the ground that he is admitting the charges itself. He also failed to adduce any evidence on his part on the same ground. Therefore, from the perusal on the evidence brought on record before the Enquiry Officer and the aforesaid reasonings assigned by him based on the said evidence, it cannot be said that the Enquiry Officer acted against the principles of natural justice either to conduct the Enquiry Proceedings or he committed any illegality

in giving the findings holding the workman guilty of the charges. That apart it is not in dispute that the I party admitted the charges of misconduct by submitting his letters dated 13-08-1998 and 24-10-1998. In his cross-examination, the I party without any hesitation admitted that he gave those letters at Ex M6 and Ex M7. However, he added to say that they were taken by force. As argued for the Management, this plea of the I party is an after thought one as he made no such grievance either during the course of enquiry or while making the representation to the Disciplinary Authority in response to the findings of the Enquiry Officer supplied to him. In fact, the I party preferred an appeal challenging the dismissal order (Memorandum of Appeal) has been marked at Ex. M8 in his cross-examination, wherein in many many words he once again not only admitted the charges of misconduct but also made it clear that he admitted those charges of misconduct while giving reply to the chargesheet itself and even then enquiry was ordered against him. He further stated that even during the enquiry he pleaded guilty making a request for lesser punishment. He then stated that the misused amount is very small i.e. Rs. 5,200.00 (Rupees five thousand two hundred only) and that is also repaid by him and that he himself misused the money only within a span of 6 to 8 months and therefore, the misutilisation of funds by him was for a temporary period and therefore, punishment of dismissal was not proportionate. Therefore with all these unequivocal and unambiguous admissions made by the I party in his appeal memo wherein he also admitted the fact of pleading guilty of the charges on the earlier occasions, now it is too much for the I party to contend otherwise by saying that he gave the said letters at Ex M6 and Ex M7 under threat or force. It is certainly an after thought and an improved defence taken by the I party to overcome the charges of misconduct levelled against him. In the result, I am of the considered view that charges of misconduct against the I party have been proved beyond any shadow of doubt.

13. Now coming to the quantum of punishment, learned counsel for the Management cited that the two decisions namely :

- "1. 1994 (2) KLJ 425—Bank of India—Regional Office, Bangalore, Vs. D. Padamanabhadu & anr.
2. 1998 Lab IC 2514—Union Bank of India Vs. Vishwa Mohan."

in support of his arguments not to disturb the punishment of dismissal. Our Hon'ble High Court in the case referred to supra made it abundantly clear that when an act of misappropriation has been proved by overwhelming the evidence and admissions, interest of an individual cannot override or be compromised and that court should not lightly consider the said fact while granting the relief.

Moreover, their lordship of Supreme Court in a Catena of decisions have all along ruled that in case of proved misconduct of misappropriation of the funds, no lincency can be shown to the delinquent concerned. In the instance case also charges of misconduct as noted above have been proved by overwhelming sufficient and legal evidence. Further, misappropriation was done by the I party not on a single occasion but on six occasions that too within a period of six months. He went on misutilising funds belonging to the Management oblivious of the consequences and admitted the misconduct only when a chargesheet was issued to him. The arguments advanced for the I party that he is an illiterate and was doing a job of Messenger only and therefore, cannot be held responsible in the cash at transactions, in my opinion are baseless. Whether a Messenger or a Manager working in a Bank they are all the custodian of the public money. The I party as a Messenger in a small village like one on hand went on collecting certain amount from various customers who reposed faith in him that the amount will go to the bank in their accounts and therefore, he cannot disown his liability by saying that he was just a messenger nothing to do with the Cash dealing. However, keeping in view the poor status of the I party, his unblemished services rendered and the length of service of 14 years he rendered with the Management, in my opinion ends of justice will be met if the dismissal punishment order is to be replaced with an order terminating his services so as to enable the I party to get his terminal benefits. In the result, reference is answered accordingly and following award is passed :

#### ORDER

The Punishment of dismissal is hereby modified into punishment of termination of the services of the I party. He shall be entitled to the terminal benefits for the services he rendered with the Management till the impugned punishment order was passed.

(Dictated to the L. D. C., transcribed by him, corrected and signed by me on 18th March, 2005).

A. R. SIDDIQUI, Presiding Officer.

नई दिल्ली, 31 मार्च, 2005

का. आ. 1570.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथन सेन्ट्रल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 44/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-41012/83/2003-आई. आर. (बी-1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 44/03) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 30-3-2005.

[No. L-41012/83/2003-IR(B-I)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, the 1st March, 2005

#### PRESENT :

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 44/03

#### I Party

Shri G. V. Mahalhavaldar,  
P. B. No. 136,  
Devaraj Nagar,  
Heggeri,  
Old Hubli

#### II Party

The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam,  
Secunderabad

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-41012/83/2003/IR(B-1) dated 22/28th August, 2003 for adjudication on the following schedule :

#### SCHEDULE

“Whether the management of Railways is justified in delaying the issue of promotion Orders to Shri G. V. Mahalhavaldar on refusal of promotion by Shri N. J. Krishna ? If not to what relief the workman is entitled ?”

2. In response to the notices issued by this Tribunal, the first party sent his Claim Statement through post whereas, Shri S. N. Sali, Advocate undertook to file vakalat for Second Party Management. Despite several opportunities given to the management, said advocate failed to file the Vakalat and failed to file any Counter Statement in response to the Claim Statement filed by the first party. Therefore, as per the order sheet dated 29-9-2004, the matter came to be posted for evidence to

lead on behalf of the first party. On 15-10-2004 when the case was taken up for hearing, the first party remained absent. He also remained absent on 18-1-2005 and there will be no representation on their behalf. The proceedings were taken close for the purpose of evidence and case is posted for award.

3. The case of the first party as made out in the Claim Statement at Paras 1 to 4 runs as under :—

“That the seniority list is maintained by the department pertaining to Electrical Department and copy is annexed herewith as Annexure ‘A’. As per the Annexure ‘A’ my seniority is S. No. 64. During promotion as per seniority list Annexure ‘A’ the S. No. 63 is Shri N. J. Krishna. Shri N. J. Krishna was not willing for promotion and rejected promotion. Hence I applied for promotion by letter dated 22-6-1994 to give promotion since Shri N. J. Krishna has given unwillingness letter for promotion. The promotion is to the AEF from i.e. Assistant Electrical Foreman to the scale of Rs. 1600—2660 as per promotion order bearing No. H. P. 535/VI/2/Vol. 4 dated 17-6-93. Copy attached herewith as Annexure ‘A’. The promotion is to be effective from 17-6-1993 since Shri N. J. Krishna was unwilling. I was entitled to said promotion as I am next senior in seniority list. Hence I applied for promotion in place of Shri N. J. Krishna. My application is kept pending and I am given promotion to said post on 31-5-1996 as promotion order bearing No. 1/P.535/Sup/Elec./Vol. IV and copy is attached herewith as Annexure-A’3. I am promoted to said post w.e.f. 16-5-1996 at the scale Rs. 1600—2660.

Therefore till 16-5-1996, I was not promoted and post was kept vacant. Actually as per seniority list I would have been given promotion as on 17-6-1993 in place of Shri N. J. Krishna (resultant vacancy). Thus I am deprived of Salary benefits of promotion post from 17-6-1993 to 16-5-1996. As per new scale the said promotion post has pay scale Rs. 5,500 to Rs. 9,000 from 1-1-1996. For my pay scale my basic pay of scale of Rs. 1900, the new scale should be Rs. 6025 from 1-1-1996. Copy attached as Annexure ‘2’. Therefore, I am entitled to scale of Rs. 6025 w.e.f. 1-1-1996. So also I am entitled to difference of pay from 17-6-93 to 16-5-1996.

4. Therefore, as per the averments in the Claim Statement, it was incumbent on the part of the first party to have entered into the witness box or else to produce some oral or documentary evidence in support of his claim that there was delay in promoting him to the post of AEF and that he was

entitled to difference of pay w.e.f. 17-6-93 to 16-5-96 treating him as promoted as on 17-6-1993. His main contention was that one Mr. Krishna who was promoted to the said post expressed his unwillingness to the said promotion to be given effect from 17-6-93 and therefore, the management was not justified in delaying his promotion to the said post from 17-6-93 till 16-5-96 on which date he was promoted to the said post being senior to the said Krishna. These were all the contentions to be established by the first party by adducing evidence on the point. It was for the first party to establish before this tribunal as whether he had right to seek promotion to the said post w.e.f. 17-6-93 and that the management was not justified withholding his promotion till 16-5-96. Since the first party has not come forward to substantiate his claim and the averments made in the claim Statement, this tribunal has no alternative but to hold that there is no merit in the claim of the first party and accordingly the reference deserves to be rejected. Hence the following Award.

#### AWARD

The reference is rejected. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 1st March. 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. एफ. रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 9/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-41011/27/2002-आई. आर. (बी. 1)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March. 2005

S.O. 1571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2004) of the Central Government Industrial Tribunal-Labour Court, Guwahati now as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of N. F. Railway and their workman, which was received by the Central Government on 30-3-2005.

[No. L-41011/27/2002-IR(B-1)]  
C. GANGADHARAN, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT**  
**INDUSTRIAL TRIBUNAL-CUM-LABOUR**  
**COURT, GUWAHATI**

Reference No. 9 of 2004

**PRESENT :**

Shri H. A. Hazarika, LL.B., Presiding Officer,  
 CGIT-Cum-Labour Court, Guwahati.

**In the matter of an Industrial Dispute between :**

The General Manager (P), N. F. Railway, Guwahati.

*Versus*

The Workmen, represented by the General  
 Secretary, Rail Mazdur Union, N. F. Railway,  
 27/B. Rest Camp, Pandu.

Date of Award : 14-03-05

**AWARD**

1. The Govt. of India, Ministry of Labour. New Delhi *vide* its Notification No. L-41011/27/2002-IR(B-1) dated 10-12-02 referred this Industrial dispute arose between the Management of N. F. Railway and the workman Sri T. K. Baishya and Abul Naser for adjudication and to pass an award by exercising power conferred under clause-D of Sub-Sec. (1) and Sub-Sec. (2A) of Section 10 of the I. D. Act, 1947 on the basis of the following Schedule :

**SCHEDULE**

"Whether the action of the management of N. F. Railway in not granting the Group-C post/category to Shri Tapan Kr. Baishya and Abul Naser at the time of absorption to another Deptt. as surplus staff w.c.f. February, 1998 is justified? If not, what relief Shri Tapan Kr. Baishya and Abul Naser are entitled to?"

2. On receipt of referred matter the State Industrial Tribunal Guwahati issued notice to both the Parties. Having receipt the Notices both the parties appeared before the State Tribunal.

3. It is pertinent to note here that after establishment of CGIT-cum-Labour Court for North East Region at Guwahati, record of proceeding is received by the CGIT-cum-Labour Court at Guwahati.

4. Meanwhile both the parties have submitted their Written Statements. etc.

5. The case of the Workmen briefly from their Written Statement is that they were appointed in Group-D category post in N. F. Railway's Security Department

of Fire Service Wing in the year 1998 with all the benefits till their transfer in the Accounts Department on being rendered surplus due to freezing of the Fire Service Wing and at this stage their actual status was of Group-C Category. According to Board's revised policy and list of Group-C staff surplus was not available to them because of the non publishing of list by Management. As per Railway Board's policy relating to redeployment importance should be given to senior staff for absorption in the same pay and Scale comparison to their junior staff. But in case of the workmen the Management has done whimsically violating the Railway Board's categorical instruction. They were Group-C employees enjoying the Scale of 4th as well as 5th Pay Commission but they were absorbed in Group-D category though their status was upgraded to Group-C and Scales with effect from 1-1-96. Both the workmen were working in the Fire Service Wing at Pandu and Guwahati respectively and those bases were closed in the year 1995. When an establishment is closed there ought to have been modality of redeployment. The Management has not complied of modality as a result of that they had to apply for their redeployment in the Accounts Department in Group-D Post.

6. That for closure or freezing of particular Section of service the permanent employees are not responsible but Management is responsible.

7. That the Management did not try to settle all the claims of the workmen. Even before the Labour Commissioner the Management did not try to settle it.

8. That the inaction of the Railway Management has violated the principle of Natural Justice.

9. Hence, the workmen prayed to pass award to give them benefit of status of Group-C category with full protection of seniority and Pay and Allowances.

10. The case of the Management in brief is that the claim of the workmen is not maintainable in law.

11. That this Tribunal has got no jurisdiction to adjudicate the referred matter as it ought to have been before the Hon'ble Central Administrative Tribunal u/s 14(A) of the CAT's Act, 1985.

12. That the workmen namely Sri Tapan Kr. Baishya and Abul Naser applied to absorb them respectively in Group-D category Post and Junior Clerk in the Accounts Department in Maligaon.

13. That the applications of the workmen were accepted by the Competent authority for absorption in Scale of Rs. 2550-3200 for the Post of Peon *vide* office order No. G/454 dated 13-5-1999 and G/459 dated 13/14-5-98 with certain terms and conditions such as :—

(i) That there seniority will be assigned .....

(ii) They can not seek retransfer to their parent.....

- (iii) Their lien will be maintained in their parent....
- (iv) Their option to seek transfer as Peon in scale,...
- (v) No T.A., D.A., Transfer grant.....
- (vi) Their pay will be fixed as per extent Rules.....
- (vii) They cannot seek transfer within one and.....

14. That the above terms and conditions are accepted by the workmen and there is no scope to reopen the matter as such Management prayed to dismiss the claim of the workmen.

15. The workmen Abul Naser appeared as W.W. 1 and Tapan Kr. Baishya appeared as W. W. 2. Both of them are cross examined by the learned Advocate Mr. S. N. Choudhury, for the Management.

16. Both the workmen deposed that at the time of their transfer to Accounts Section they were working in Group-C category having scale of 4th and 5th Pay Commission.

17. They were told by the Management that Fire Wing will be abolished and to apply elsewhere as on abolition they will be surplus. Finding no other alternative they were compelled to apply in Group-D category but no surplus list was shown by the Management.

18. That their names are apparent in the seniority list.

In cross-examination W. W. 1 deposed that he has not received any letter about abolition of Fire Wing of RPF. That in his application he has not mentioned that for being surplus in Fire Wing RPF, he had to apply for the post of Junior Clerk.

So also in cross-examination W. W. 2 deposed as regards the surplus, he was getting information from his office, but he has not received any written notice. He knows 6 workers junior to him were absorbed in Category-C which he objected. They denied in their deposition that Management has not committed any injustice to them by giving them Group-D post.

19. Heard the argument submitted by learned Advocate Mr. K. K. Biswas for the workman and Mr. S. N. Choudhury for the Management. Perused the evidence recorded by me and all other documents in the record.

20. The workmen claimed that they were enjoying the benefits of scale etc. of Group-C of 4th and 5th Pay Commission prior to their absorption in Category-D in Accounts Department. Afraiding the abolition of RPF Fire Wing and to be defuncted they complied the direction of the Management and under compelled circumstances they applied to get absorption in Accounts Department. Accordingly under compelled circumstances they joined,

21. The Management denied the ground agitated by the workmen that due to abolishment and being surplusd they were absorbed in the Accounts Department.

22. On perusal of evidence of solitary Management Witness I find the MW is evasive about the abolition of Railway Fire Wing and about surplus. The M. W. is also evasive about the exact status of workman at the stage of absorption from RPF Security to accounts department. Categorically the MW could not say that there was no question of abolishment, surplus and that they were not the workmen under Group-C category.

23. What I find both the workmen were enjoying the benefits of Pay and Status of the Category-C at the time of their absorption in Accounts Department. Admittedly they were absorbed in Category-D in Accounts Department.

24. I find there was question of abolition of RPF Fire Wing and to be surplusd. Being afraid to be surplusd due to abolition of RPF Fire Wing the Workmen joined in the Category-D of the Accounts Department. Hence, the ground forwarded by the workmen about compelled circumstances has got force because no workman will select to be defuncted at the stage while they are earning their monthly salaries. On the other hand it is to be seen that no workman who is enjoying benefit of Pay of 4th and 5th Pay Commission will choose to come to join in Category of law salary. So the ground of compelled circumstances is quite natural. During these sky high price rising days no workman will prefer to join in law salary leaving the high salary.

25. There ought to have been modality for abolition of a Wing for redeployment. I find no such procedure is followed by the Management. So also there is no list of surplus. The workmen claimed that 6 persons junior to them were promoted to Group-C. The answer of the MW in this connection is also evasive. So what I find the claim of the workmen has got legal force that they are deprived from legitimate entitlement. As per the MW there is presently no existence of vacancy in Group-C. What I find workmen are in continuous service in the N. F. Railway Management, Maligaon. For ends of Natural Justice, the Management cannot deny the legitimate claim of the workmen in present circumstances of the case. It is the responsibility of the Management to give proper justice for the welfare of the workmen by way of promotion. I find both the workmen are entitled to get the promotion to Category-C. The Management is to arrange for their promotion. Accordingly this Schedule (issue) is decided in favour of the workmen. Prepare the Award and transmit it to the Government urgently as per procedure.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 7 सी/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-3-2005 को प्राप्त हुआ था।

[सं. एल-12012/16/99-आई. आर. (बी. I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March. 2005

S.O. 1572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7c/1999) of the Industrial Tribunal. Patna now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 30-3-2005.

[No. L-12012/16/99-IR(B-I)]

C. GANGADHARAN. Under Secy.

#### ANNEXURE

#### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 7-C of 1999

The Chief General Manager, State Bank of India, Local Head Office, J. C. Road, Patna and their workman represented by the General Secretary, State Bank of India Employees Union, 215, Ashok Place, Exhibition Road, Patna.

**For the Management :** K. N. Gupta, Advocate & Ors.

**For the Workman :** None.

#### PRESENT :

Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

#### AWARD

Patna, dated the 22nd March, 2005

By the adjudication Order No. L-12012/16/99-IR (B-I) dated 10-5-1999 the Govt. of India, Ministry of Labour, New Delhi has referred under Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the Management of State Bank of India, J. C. Road, Patna and their workman Sri Shakal Deo Ram for adjudication to this Tribunal :—

“Whether the action of the management of State Bank of India in terminating the services of Shri Shakal Deo Ram in the year 1975 is

justified ? If not to what relief the workman is entitled ?”.

2. Although both the parties have filed written statement but no evidence was adduced by them. Worker's case, in short, is that he joined service in State Bank of India in subordinate category on 1-5-1968 and remained there till 5-7-1975 prior to his termination. He was paid salary and usual allowances. The Bank's management suddenly stopped him from working on 5-7-1975 without any notice and retrenchment compensation. It is further stated in written statement that the management entered into a settlement with unions for absorption of casual workers who had worked for 240 days in a block of twelve calendar months or for 270 days in a block of 36 calendar months and had worked for 30 days in any calendar year or 70 days during 36 calendar months between a period from 1-7-1975 to 31-7-1988. The workman made representation for his absorption and reinstatement but all in vain. There has been violation of Sec. 25F and 25H of I.D. Act besides commission of unfair labour practice at management hand on the basis of aforesaid facts, the worker has prayed for his reinstatement/regularisation with back wages.

3. The management has inter alia challenged worker's claim mainly on the ground of dispute being stale and non-eligibility of the worker under the agreement referred by him. It has been further stated in written statement that he was engaged in work on the basis of exigencies and need as arose from time to time. As the worker did not serve beyond July, 1975 he was not entitled for absorption under agreement. The management has accordingly prayed for answering the Award in their favour.

4. The worker as appears from the record left attending the Court and pursuing the case for the reasons best known to him, although he was noticed several times to adduce evidence in support of his claim. His claim stands on an agreement between the Union and the Management for absorption of casual workers who had worked in the Bank for certain period as noted above during a period from 1-7-1975 to 31-7-1988. As admitted in written statement itself the worker did not serve in the Bank after 5-7-1975, meaning thereby that he served only for 4 to 5 days in between July, 1975 to July, 1988 and thus he was not entitled to consideration for absorption under the agreement mentioned in his written statement. Besides all above the worker has not come with any evidence to substantiate his claim of reinstatement or absorption. It is needless to say that worker's claim has got no legs to stand and there does not exist any dispute that has been espoused by him.

5. In view of what has been discussed above and material on record. I am of considered view that no dispute as stated by the workman exist nor there is any



evidence on record to nullify the management's action of alleged termination of the services of worker Sri Shakal Deo Ram. The worker is not entitled to any relief whatsoever.

6. Award accordingly.

Award dictated and corrected by me.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 296/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-41012/129/99-आई. आर. (बी.-I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 296/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 30-03-2005

[No. L-41012/129/99-IR (B-I)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/296/99

PRESIDING OFFICER : SHRI C. M. SINGH

Shri Kanchèedi Lal  
S/o Shri Sukhandi Lal.  
Vill : Ratanpura, PO Patori,  
Tehsil Sihora Distt.  
Jabalpur (M.P.)

... Workman

#### Versus

The Divisional Railway Manager.  
Central Railway.  
Jabalpur (M. P.)

... Management

#### AWARD

Passed on this 17th day of March, 2005

1. The Government of India, Ministry of Labour vide its Notification No. L-41012/129/99-IR (B. I), dated 30-8-99 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of the Divisional Railway Manager, Central Railway, Jabalpur in terminating the services of Shri Kanchhendilal S/o Shri Sukhandilal, MRCL (Gangman) vide order No. E-22/DMO “E”/732 dated 4-12-1993 is legal and justified ? If not, to what relief the workman is entitled ?”

2. After the reference order was received, it was duly registered on 13-9-99 and notices were issued to the parties. The order sheet dated 26-4-03 reveals that the case proceeded *ex parte* against the management and 24-7-03 was fixed for *ex parte* evidence of workman. Thereafter several dates were fixed for *ex parte* evidence of workman but the workman failed to adduce *ex parte* evidence and ultimately absented himself on 22-6-04 the date fixed in the case. Lastly on 31-1-2005, one more opportunity was provided to the workman to adduce *ex parte* evidence on 9-3-2005. But on 9-3-2005, nobody appeared for the parties. Thus ample opportunities have been provided to the workman to produce *ex parte* evidence but the workman did not care to adduce *ex parte* evidence. In this manner, it is quite clear from the above that the workman does not want to prosecute this reference.

3. Under the above circumstances, No Dispute Award is passed without any order as to costs.

Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 31 मार्च, 2005

का. आ. 1574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कर्नाटक बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलौर के पंचाट (संदर्भ संख्या 93/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-03-2005 को प्राप्त हुआ था।

[सं. एल-12012/40/83-डी आई वी ए-आई. आर. (बी.-I)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 31st March, 2005

S.O. 1574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/

89) of the Central Government Industrial Tribunal-cum-Labour Court. Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Karnataka Bank Ltd. and their workman, which was received by the Central Government on 30-03-2005

[No. L-12012/40/83-DIVA-IR (B-I)]  
C. GANGADHARAN, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 11th March, 2005

#### PRESENT

**SHRI A. R. SIDDIQUI : PRESIDING OFFICER**

C. R. No. 93/89

#### I PARTY

Shri M. B. Ghorpade,  
Near Datta Temple,  
Jamkandi.  
BIJAPUR DIST-587301

#### II PARTY

The Chairman.  
Karnataka Bank Limited,  
Head Office, Kodiabail,  
MANGALORE-575003

#### AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/40/83-DIVA dated 11-12-89 for adjudication on the following schedule :

#### SCHEDULE

“Whether Shri M. B. Ghorpade whose services have been terminated w.e.f. 21-11-1981 by the management of Karnataka Bank Limited is a workman under the Industrial Disputes Act, 1947 and if so whether the action of the management of Karnataka Bank Limited in terminating his services is justified ? If not, to what relief the workman concerned is entitled ?”

2. Initially the Govt. of India refused to make a reference to the dispute raised by the first party on the ground that the first party was not a workman as defined under Section 2(s) of the Industrial Disputes Act, 1947, hereinafter shortly referred as “Act”.

3. Having aggrieved by this refusal the first party filed a writ petition in W.P. No. 3848/84. A learned Single Judge of High Court of Karnataka by the order dated 3-10-89 allowed the writ petition and directed the Union of India to refer the dispute for adjudication as the jurisdiction to decide this controversy is on the Labour Court or the Industrial Tribunal. Thereafter the above reference is referred to this Tribunal.

4. On a reading, the reference is in two parts. First part required the first party to prove that he was a workman when his services are terminated. After giving a finding on this question the tribunal is asked to give a finding regarding the justification of the Second Party in terminating the services of the first party.

5. The contention of the first party as regard to the first question is that he was appointed as a Clerk in the year 1957 and was in the continuous employment of the bank till 21-11-81, the day on which his services are terminated. He was handling correspondence with the Head office and branches of the bank. He was entering in Ledgers the different statements received from various branches of the bank. As he was exclusively doing the work of Clerk he was a workman within the meaning of Section 2(s) of the Act. The designation of “Officer” was of no consequence in determining his status as an employee and he was a workman within the meaning of Section 2(s) of the Act. His further contention is that his termination amounts to retrenchment and therefore, he is entitled for all benefits including back wages. The first party, as it regards to the first part of the schedule, placed materials stated above only. Second Part in the pleadings confined to the question related to his removal from the service and connected incidents.

6. The Second Party filed their Counter Statement on 14-6-90. Later they have filed an additional Counter Statement on 7-3-91.

7. In the first statement they have contended that the first party who was an accountant in the Bank of Karnataka was given grade of an Officer when the said Bank merged with the Second Party bank. He was transferred to the Regional Office, Hubli in September 1980. His duties were specifically were described as follows :

- “I(a) Scrutiny of Lead Bank Statements received from branches and fixing individual targets for advances to priority sectors;
- (b) Controlling, supervising and follow-up of the branches in respect of timely submission of the statements to Lead District office of the Bank. Preparing Draft letters and reminders in consultation with the Regional Development Manager and forwarded the same for his signature;
2. Reviewing the performance of the branches in deposit mobilization and appraise the Regional Development Manager from time to time and follow up of the matters concerned with deposits with the branches;
3. To scrutinize the loan proposals received from branches for sanction of loans to the applicants and preparing office notes and



place them before the Regional Development Manager for sanction or otherwise;

4. Attending to day to day correspondence and initialing letters etc. to Head Office and branches;
5. Preparing statements for Manager's conference; and
6. Checking Report on Advances received from Branches.

According to the Second Party the duties mentioned above are Supervisory and Administrative. First party was drawing more than Rs. 1,600 p.m. as an Officer. He was promoted as a Grade II Officer. At Hubli office there were 3 officers and 2 clerks. His nature of work was once again high lighted by the Second Party.

In the additional Counter Statement the Second Party made the points raised by the first party as it regards to his termination.

8. Keeping in view the points of reference, my learned predecessor in the first instance took up the issue of 'workman' and by his award dated 20-8-1999 recorded the finding that first party was 'not a Workman' and, therefore, this tribunal had no jurisdiction and rejected the reference.

9. It is seen from the records that aggrieved by the said award, the first party approached the Hon'ble High Court in Writ Petition No. 44281/99 and the Hon'ble High Court by its order dated 21-2-03 set aside the above said award and remitted back to this tribunal with a direction to dispose off the matter afresh permitting the parties to adduce further evidence, if any. It is further to be seen that aggrieved by the above said order of the High Court in the Writ Petition, the management preferred an appeal in Writ Appeal No. 3190/03 (L-TER) and that appeal came to be dismissed by the Division Bench of Hon'ble High Court vide order dated 4-8-04.

10. It is to be noted that during the course of trial of the said issue before the above said award was passed by this Tribunal, the first party examined himself as WW1 and got marked 3 documents in his support.

11. Whereas the management examined two witnesses as MW1 and MW2 and in all got marked 32 documents at Ex. M1 to M32. After the remand, the first party filed an affidavit by way of his further examination chief and was cross examined on behalf of the management. There was no fresh evidence led by the management.

12. The statement of first party, WW1 in his earlier examination chief relevant for the purpose of decision on the above said issue is that he joined the services of the bank as a Clerk in the year 1957 and his services

were confirmed in the year 1958. The Bank of Karnataka was subsequently merged with Karnataka Bank Ltd. with head office at Mangalore, somewhere, in the month of December 1968 and at the time of merger he has been promoted to the Officer Grade III by the Second Party. His cadre was upgraded to the Officer Grade III in the year 1978. He stated that while he was working as Grade II Officer in Jamkhandi Branch he was posted as subordinate to the Branch Manager who was the Grade III Officer. He was working as Grade II Officer in the same branch and was attending only Clerical work. On 10-10-1980 he was posted in Regional Office, Hubli as Officer Grade II till he was discharged from service on 21-11-1981. He stated that during that period he was working under Regional Development Manager. He stated that no employee was working under him. He further stated that on many occasions Grade II and Grade III Officers were directed to do Clerical jobs and no officer in his cadre was doing independent work. He stated that he has not signed any document in official capacity but was preparing documents to place the same for approval and signature before the Regional Development Manager. He used to prepare consolidated statement from the particulars given by other various branches to be placed for approval and signature of the Regional Development Manager. He further stated that throughout he was doing clerical job while working in the Divisional Officer and has not signed any letter independently and he was only drafting letters and then putting them to the approval of the Regional Development Manager. He was checking the request of advances on the basis of the circulars and the instructions received from RDM and was also looking after the inward and outward registers, maintenance of postage and writing of reservation books which job was been done by the clerks. One Shri G. B. Desai and one Mr. Katgari were other two officers working in the said office. Mr. Desai was Grade II Officer and Katgari was Grade III Officer. In his further examination chief he denied that two Clerks and one Peon were working under him. In his Cross Examination he admitted that his pay scale was above Clerical Grade. He admitted that he was upgraded in his job in accordance with Ex. M1 and was sent for training as per Ex. M3 being relieved as per Ex. M2. He admitted that bank had issued the Power of Attorney at Ex. M5 in his favour. He denied the suggestion that his work included monitoring, checking, drafting letters, Scrutinizing of Bank Statements and fixing of individual targets for priority Sector Advances. He admitted that as per Ex. M18 he was entitled for Class I Travelling Allowances.

13. Statement of MW1 in his examination chief is as under :

"I know the first party Chorpade. In 1970 I was working at Haveri as Branch Manager. In 1980 I was Regional Manager of Hubli Division. In 1980

first party was working at Hubli as officer. Before coming to Hubli, he was working at Jamakandi, as Officer. When he was working under me, he was drawing salary more than Rs. 1,600. Ex. M1 is the order showing that first party was promoted to grade II Officers cadre. Ex. M2 shows the salary particulars of first party (now produced). M2 is a relieving certificate, which shows the salary particulars.

Ex. M3 shows that first party was sent for training. Ex. M4 is the memorandum showing that first party was relieved after paying 3 months salary. Ex. M5 is the Power of Attorney issued to first party by Second Party. POA are issued only to officers.

M6 to M17 are the documents showing the nature of duties performed by first party. All these have been initialled by the first party below MBG/BV. Ex. M12 is signed by first party and is in the handwriting of first party and also M13 and M14 and 15 are initiated by the first party on the reverse after checking.

First party was doing supervisory duties like monitoring, checking, drafting letters, scrutinizing the lead bank statements, fixing of individual targets for priority sector advanced and etc. Ex. M18 shows that first party was entitled to first class travel allowance.

As I remember two clerks and one Peon were working under the first party. First party is not a workman as defined under the ID Act. Ex. M3(a) is the report given by the first party for having attended the training."

14. His Statement in Cross Examination relevant for the purpose is that Ex. M6 to Ex. M13 and Ex. M16 and M17 have gone under his signature. Ex. M14 & 15 are received from the Manager, Mahalingapur branch at Hubli. By monitoring he means reports and advanced sent by branches are checked. Scrutinising and checking is monitoring. He denied the suggestion that it was the job of the clerks and also the suggestion that drafting of letters is a clerical job. He denied the suggestion that checking, scrutinizing and drafting by the person is at the responsibility of the boss who signed the documents. He further stated that by scrutinising he meant tallying the figures in the reports and the registers in the lead bank Statement and denied the suggestion that it is absolutely clerical work. He admitted that individual target for different branches for priority sector advances etc. are done by the Regional Manager. He admitted that first party was working at Hubli for more than a year before his services were terminated but denied the suggestion that he was doing exclusively clerical work. In his further cross examination MW1 admitted that all the functions of first party referred to by him in the WS

(Counter) were done by first party under his direct guidance and instructions. He stated that first party was controlling other employees and he can produce documents to show that clerk were working under him and denied the suggestion that no Clerk or Peon was working under the first party. He denied the suggestion that drafting letters, checking statements received from branches is a sheer Clerical work. He then stated that the documents at Ex. M7, M14, M15 and M10 are some of the documents showing that first party was doing Supervisory Work. He admitted that every report checked by the first party was put to him for approval.

15. In the statement of MW2 further documents at Ex. M19, M32 were marked mostly concerning to the other part of the reference point i.e. the termination of the services of the first party by the second party. His statement also mainly was to speak about the alleged misconduct committed by the first party, therefore, need not be brought on record on this stage.

16. After the remand as noted above, the first party filed his affidavit by way of further examination chief and the averments in his affidavit at Para 3 to 5 relevant for the purpose are as under :—

"I once again respectfully submit that irrespective of the designation given by the Second Party Bank, I did not enjoy any managerial or supervisory powers. I was not supervising the work any of the staff working in the branch at the relevant time. I submit that I had no power either to recommend or sanction leave to any of the staff working in the branch. I was required to sign the attendance every day. Whenever I was on leave, I used to submit the leave letters to the Branch Manager and get it recommended/sanctioned. I did not enjoy any independent powers.

I further respectfully submit that I was not having any financial powers. I was required to act according to the instructions of my official superiors. I also further submit that I was not vested with any disciplinary powers. Accordingly, I had no power to issue any memo or charge sheet or take any action against any of the employee working in the bank.

I further state that at the time of merger of Bank of Karnataka with the Karnataka Bank Limited, I did not enjoy any supervisor or managerial powers. Even after merger of the bank and when my duties came to be assigned in the second party bank I continued to discharge my duties as before without change."

17. In his cross examination he was confronted with a letter of allotment of duties given to him by the second party and was marked at Ex. W3 (it was filed by

the first party himself). It was elicited from his mouth that General Manager was the Disciplinary Authority for the sub staff of the bank and so also the other officers of the bank having an authority to issue the charge sheet and to take the disciplinary action. In his further cross examination, his reply notice was marked at Ex. M33.

18. Learned counsel for the first party Shri V. S. Naik argued that the aforesaid statement of the first party in his Examination Chief made earlier to the remand as well as subsequent to the remand speaking to the fact that he was all along doing the job of the Clerk having no control or supervision over any of the staff members, has gone very much unchallenged there being nothing brought in his cross examination to doubt the veracity of his statement. He submitted that the various functions enumerated in the above said allotment letter at Ex. W3 themselves will read to the effect that they were the functions to be carried out at a clerical level and that none of those functions can be said to be done in a managerial capacity or in a supervisory capacity. Coming to the Power of Attorney at Ex. M5 relied upon by the management to show that he was discharging duties in a managerial and supervisory capacity, learned counsel submitted that the powers or the functions conferred by way of Power of Attorney cannot be said to be the powers being exercised by the Power of Attorney holder in his independent official capacity. Moreover it was executed in the year 1966 and admittedly it was not in operation when the first party was working at Jamkhandi and then in Regional Office, Hubli when his services were terminated. Coming to the Documents at Ex. 6 to 18, once again relied upon by the management to show the supervisory powers of the first party, learned counsel submitted that none of these documents would help the management to establish the said fact as many of those documents admittedly were under the signature of MW1, himself. His next argument was that the designation held by the first party of Grade II Cadre or Grade III Cadre and the salary drawn by him above the pay scale of clerks cannot be the factor to determine that the first party was doing managerial or supervisory work. Going on training as an Officer as per Ex. M3 or drawing first class fare as per Exs. M18 again is of no significance. Lastly learned counsel argued that the statement of MW1 in the cross examination admitting certain vital facts about the functions being discharged by the first party itself will be sufficient enough to dislodge the case of the management that the first party is not a workman as defined under the provisions of ID Act.

19. Whereas, learned counsel for the second party vehemently argued that undisputedly the first party has been promoted as Grade II Officer in 1968 and as Grade III Officer in the year 1978, which is the grade of the Manager having managerial and supervisory capacity. The first party all along claimed himself as an officer

and has drawn TA/DA as an officer going on training *vide* Ex. M3 and M18 respectively. Learned counsel then referred to the above said allotment letter at Ex. W3 to point out that the duties enumerated therein would reflect upon the fact that first party was discharging managerial and supervisory functions. He also took support of the Power of Attorney at Ex. M5 to show that such a power of Attorney will be executed in favour of the officer of a managerial grade exercising managerial powers. He also referred to the documents at Ex. M16, M17 in support of his arguments.

20. Lastly he submitted that by designation and grade the first party was the officer to be posted as a Manager and if he had discharged the duties of a Clerk occasionally he cannot be brought under the category of the Clerks and in the result under the definition of the workman.

21. Learned Counsel for the first party supporting his arguments relied upon the following citations :

1. 1994 I LLJ P. 597
2. 1984 I LLJ P. 546
3. 1981 II LLJ P. 401
4. 1983 II LLJ P. 293
5. 1996 I LLJ P. 228

22. Likewise learned counsel for the Second Party to support his argument took shelter under the following decisions :—

1. 1995 I LLJ 214 (SC)
2. 1995 I LLJ 264 Kar (DB)
3. 1996 II LLJ 1140 (Ker) (DB)
4. 1994 II LLJ 1153 (SC)
5. 1996 I LLJ 55 (Bom)
6. 1993 II LLJ 224 (P & H) (DB)
7. 1996 II LLJ 573 (Delhi) (DB)
8. 1994 I LLJ 1035 (All) (DB)
9. 1994 I LLJ 712 (SC)
10. 1994 II LLJ 411 (SC)
11. 1988 (7) SLR Page 677 (CAT, Calcutta)
12. 1995 I LLJ Page 243 (Bom).

23. After having gone through the records, I do not find much substance in the arguments advanced for the Second Party. First of all the statement of the first party in his examination chief earlier to the remand and then subsequent to the remand as argued for the first party has remained unshaken on the material aspects of the case. The statement of the management witness MW1

who was mainly examined on the point in question, as argued for the first party once again would lend support to his case rather the case of the management. I would like to come to it a little later. The management in order to establish the fact that the first party does not fit in the definition of the workman *vide* Section 2(s) of the ID Act relied upon various documents as well as the statement of MW1 and the statement of the first party in his cross examination as noted above. The first and foremost argument advanced by the Second Party was the undisputed fact that the first party was promoted as Grade II Officer in 1968 and as Grade III Officer in the year 1978 which is the grade of the Manager having managerial and supervisory capacity. Therefore, the management contended that he being an officer of the cadre of the Manager not bound by the terms of the Bipartite Settlement governing the sub staff cannot knock the door of this tribunal as a workman covered under the provisions of the ID Act. I do not accede to this contention of the management. Their Lordship of Supreme Court in a decision reported in LLR 1996 page 620 at Para 7 have dealt this position of law thread bare while answering the question raised by the management in the said case that official concerned was holding a Class I post in the bank. Their Lordship made it clear that the onus to establish the fact that official was performing the managerial duties is on the management bank and not *vice versa*. It was ruled that mere nomenclature to the post is not enough for the purpose of holding whether a particular person falls within the definition of workman or not. It was further held that the crux of the matter would be the type of duties a particular person performed during the course of his employment under his employer and that themselves to be determined with reference to principal nature of duties and functions. Therefore, merely because the first party was promoted as Grade II Officer or Grade III Officer in the Bank, his nomenclature will not get him out of the category of workman as long as it is not established by the management that his principal duties were managerial and supervisory in nature. Their Lordship of Supreme Court in a decision reported in 1964 SC 1522 made it clear that the designation of an official such as an Accountant again will not take the official concerned out of the definition of the workman considering the duties being performed by him. Thus the contention of the management that the first party was an officer of Grade II and then of Grade III meant for Manager doing managerial and supervisory functions cannot be accepted in the light of the above said principles laid down by their Lordship of Supreme Court. The management then relied upon a Power of Attorney executed by it in favour of the first party to support its contention that such a Power of Attorney will be executed only in favour of the Officer as it authorizes to carry out the various managerial and supervisory functions. This Power of Attorney is marked in this

tribunal at Ex. M5 and it is not disputed by the first party that it was in his favour. However, I find substance in the arguments advanced by the first party that it will not help the case of the management to show that this document would lead to an inference to suggest that first party was working in managerial and supervisory capacity. First of all it is the document executed in the year 1966 when the first party neither was promoted as Grade II Officer or as Grade III Officer. Secondly it is in no uncertain terms MW2 admitted in his cross examination that this Power of Attorney was not in existence when the first party was working in the Regional Office at Hubli. Moreover, simply because some Power of Attorney is executed in favour of somebody actually having no powers to be exercised as enumerated in the Power of Attorney, those powers will not elevate the status of the official for all that times to come. Such a Power of Attorney will be for a limited purpose. MW2 at Para 12 of his cross examination admitted that first party had no occasion to use his Power of Attorney while he was working in the Regional Office, Hubli. Therefore, Ex. M5 will not cut much ice in favour of the management. The management then takes the help of the documents at Ex. M6 to M18 to counter the case of the first party. MW1 in his Examination Chief at Para 4 stated that Ex. M6 to M17 are the documents showing the duties performed by the first party and they have been initialed by the first party. In his cross examination at Para 9 he was to admit that Ex. M6 to M13 and Ex. M16 and Ex. M17 have gone under his signature and Ex. M14 and M15 are received from the Manager of Mahalingapur Branch at Hubli. A perusal of Ex. M6 to M17 would disclose that these are all the letters under the signature of MW1 sent to various branches under Regional Office, Hubli for mobilisation of deposit funds. Some of them have been initialed by the first party and his case that he has just drafted them under the directions of MW1 cannot be rejected. Merely, because he drafted those letters and put initials on some of them will not give rise to the presumption that he did it in his managerial or supervisory capacity. Ex. M18 was to show that first party was entitled to first class Travelling Allowance. No doubt first party was an officer entitled to first class Travelling Allowance and it is also not in dispute that he was drawing the salary more than the salary drawn by the Clerk but it is now well settled principles of law that the salary drawn by the official is not a criteria to jump to the conclusion that he was not a workman. Likewise Travelling Allowance drawn by the first party on the same analogy will not be a point negative in his favour. The other two documents relied upon by the management were at Ex. M3, a letter showing that the first party was drafted for officers training and a memorandum showing that he was relieved from the duties being paid three months salary as it should be in the case of officers. Here again I am not very much convinced to say that this two documents will go against the first party as a workman.

Now comes trump card namely, the document at Ex. W3 which was filed before this tribunal by the first party and was marked on behalf of the management in his cross-examination. The learned counsel for the management commenting upon the said document vehemently argued that this is a letter issued by the management enumerating the duties and functions to be discharged by the first party. The letter showing the duties allotted to the first party is as under :—

**“Allotment of work with effect from 1-4-75**

Shri M. B. Ghorpade, Officer, Staff No. 158

Checking of Cash with Bankers, Sundry Assets, Sundry Liabilities, suspense registers, all deposit ledgers, sub-day books, balance checking, tallying of deposits, postage and outward register checking, inspection, returns and any other work that may be entrusted from time to time.”

24. It is interesting to note that this is the letter dated 1-4-75 while the first party was working at Bijapur. Undisputedly, he was yet to be promoted as Grade III Officer from Grade II Officer Cadre at that time. Moreover, as argued for the first party none of the duties mentioned in the said letter would reflect upon the managerial or supervisory capacity of the first party. Certainly, as could be seen from the nature of duties shown therein they are just clerical in nature to be discharged at a clerical level by the Clerks concerned. The management laid much emphasis on one of the duties mentioned in the said letter namely, the checking of cash with bankers. First of all I do not know as to how it amounts to a function of supervisory nature. His Lordships of High Court of Judicature at Bombay in a decision reported in 2000(3) LLN 179 while dealing a question like on hand held that Supervision includes supervision over subordinates not over the computers, further holding that checking of ledgers, statements, registers, records or computer print outs only, cannot by any stretch of imagination held to be a supervisory or managerial function. The above principle laid down by the High Court of Bombay must be a fitting reply to the management contentions with regard to the aforesaid duties mentioned in the letter at Ex. W3. Their Lordships of Supreme Court in a decision reported in AIR 1967 SC page 428 even went to the extent of holding that Clerks doing work of checking in Audit Department cannot be held to be supervisors. Their Lordships in a decision reported in AIR 1998 SC 329 held the view that the official who just do checking up as an internal auditor in company on behalf of the employer and had no independent right or authority to take decision must be held to be workman within the meaning of Section 2(s) of the ID Act. Holding further that while determining the powers of the official concerned, it is to be kept in mind that whether such a person in fact was doing supervisory or managerial work and not his work

of checking done on behalf of the employer. Now therefore, almost all the aforesaid documents relied upon by the management will not take its case any further to establish the fact that first party was not a workman.

25. Now coming to the testimony of MW1 himself. It was well argued for the first party that his statement in cross-examination must put an end to the controversy raised on behalf of the management. MW1, as noted above, in his cross-examination in no uncertain terms comes to say that all the functions of the first party referred to by him in the WS (Counter) are done by the first party under his direct guidance and instructions. While stating that the documents at Ex. M7, M10, M14, M15 are some of the documents showing that the first party was doing Supervisory work. He admitted that every report checked by the first party was put before him for approval. Therefore, from the above statement of MW1 coupled with Document Ex. M6 to M17 which were relied upon by the management it can be very much clear that these are all the documents at the most drafted by the first party but those drafted letters were placed before MW1 for his approval. That shows that the first party had absolutely no independent right or authority to send those letters to the respective branches under the Regional Office, Hubli by taking his own decision and under his own signatures. MW1 in his cross-examination though claimed that he has got documents to show that some two clerks and pcon were working under the first party but unfortunately no such documents are produced before this Tribunal. If really the first party was exercising managerial and supervisory functions after he being promoted in Grade II or Grade III Officer cadre, then, it was not very difficult for the management to have produced some oral or documentary evidence to the above effect. Not a scrap of paper was produced to suggest that at any point of time the first party was appointed or posted as an independent Manager of any independent branch of the Bank under the control of management so as to suggest that he had control over the staff working in the said branch. It is nowhere the case of the management that he worked as a Manager of the branch at Jamkhandi or thereafter in any managerial capacity in the Regional Office at Hubli when his services were terminated. No staff or sub-staff was produced before this tribunal to speak to the fact that at any point of time they worked under the first party. Therefore, merely because first party held the post of officer and had drawn salary much more the Clerks were drawing and that he availed first class travelling facilities, underwent certain officers training will not be the circumstance sufficient enough to draw the conclusion that he was discharging the duties in managerial or supervisory capacity. The various decisions noted above and cited on behalf of the management would speak to certain settled position of law and such a position of law cannot be disputed in my humble opinion but what the

principle laid down in those decisions is that while determining the status of the official as a workman or otherwise the court must bestow its attention in taking into consideration the main, rather, the principal duties of the official concerned was carrying out at the relevant point of time. Here, unfortunately, there is no sufficient and legal evidence produced by the management to arrive at the conclusion that the first party was performing mainly or substantially the duties of managerial and supervisory capacity. In fact the aforesaid duty allotment letter at Ex. W3 would tell tale upon the fact that the duties assigned to him were exclusively clerical in nature. These duties by no stretch of imagination can be said to be the duties to be performed by the cadre of the Officer, much less, the Manager of a particular bank branch having managerial or supervisory capacity.

26. In the result I am of the considered view that the first party in this case has been able to establish that he is a 'workman' as defined under Section 2(s) of the ID Act and as such can very well maintain the present reference against the management. Hence the following Order.

### ORDER

The first part of the reference is hereby answered to the effect that first party is a workman within the meaning of Section 2(s) of the ID Act. No order to cost.

(Dictated to PA, transcribed by her, corrected and signed by me on 11th March 2005).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 अप्रैल, 2005

का. आ. 1575.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2931 दिनांक 26-10-2004 द्वारा भारत प्रतिभूति मद्रणालय, नासिक रोड जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 12 में शामिल है, को

उक्त अधिनियम के प्रयोजनों के लिए दिनांक 14-11-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 14-5-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/18/97-आई. आर. (पी. एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 8th April, 2005

S.O. 1575.—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour No. S.O. 2931 dated 26-10-2004 the service in the India Security Press, Nashik Road which is covered by item 12 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 14th November, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 14th May, 2005.

[F. No. S-11017/18/97-IR (PL)]

J. P. PATI, Jt. Secy.